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APPENDIX.

ACTS relating to Proprietors Meetings.

An act regulating proprietors meetings.

SECTION I.

BE it enacted, and it is hereby enacted by the representatives of the freemen of the State of Vermont, in general assembly met, and by the authority of the same, That where lands lie in common, in any township in this state, and a number of the proprietors of such lands to the amount of at least one sixteenth part, shall make application to any assistant or justice of the peace, who is hereby required to issue his warrant for calling such meeting, setting forth the time, place, and the several other matters and things to be transacted, and the reasons for calling such meeting, which warrant shall be inserted in the *Connecticut Courant*, three weeks successively, the last time of which shall be at least twenty days before the convening such meeting. And such proprietors when met, shall proceed by ballot to choose a moderator, clerk and treasurer; and may further proceed to transact any business which may concern the propriety, as the promoting of settlement, and laying out and making division of lands, laying out roads, and any other business whatever. And every proprietor shall be allowed to vote in proportion to his interest in such propriety. A proprietor of one original right or share, may have one vote, and so in proportion as aforesaid. *Always excepted*, that no person shall be allowed more than one vote by virtue of a power of attorney. And the votes and proceedings of such meetings, shall be good and valid in law, provided no proprietor shall be curtailed in the quantity of his land; and such proprietors may adjourn and agree on such mode of convening again, as to them may be thought expedient. And such clerk, being duly sworn, shall make fair and true entries of all the votes and proceedings of such meeting, from which records such clerk shall give fair and attested copies, of any matter or thing therein contained, when

requested thereto by any proprietor, on such proprietor's tender of a certain sum, which is hereafter mentioned to be given for recording survey bills.

The charters of each town which may or can be procured, shall be recorded in the first pages of the proprietors book of records, and it shall be the clerk's duty to record all survey bills, provided such survey bills are properly attested by a surveyor, and offered for record. Such clerks are furthermore directed, on receiving any survey bill as aforesaid, to enter it on file as soon as may be, with the date when received to record; and such survey bills which are first recorded or received to record as aforesaid, shall be valid and good in law, without any regard to the date of such survey bills, or time when such land was surveyed.

Always provided, Such survey bill be agreeable to the votes and proceedings of the propriety. And it shall and may be lawful for any such clerk, to take six shillings for recording a survey bill, which fills one side of a sheet of paper, and no more; and all other writings, and different sized survey bills respecting his office, in the same proportion. And *provided,* any proprietors clerk shall neglect or refuse to do his duty as aforesaid, shall on conviction thereof, before an assistant or justice of the peace, pay a fine of ten pounds, for every such offence, and all damages which may arise by such neglect or refusal, and one half of such fine shall be paid to the complainant, who shall prosecute to effect, and the remainder to the proprietor's treasurer for the use of the propriety, and all legal cost shall be paid by such delinquent,— That when any proprietors meeting shall be legally warned, and met as aforesaid, and provided such propriety shall proceed to run out town lines, or make a division of lands to each proprietor, or lay out or make any road or roads, in any town, after such service is actually accomplished and done, then, in such case, it shall and may be lawful for such proprietors, being legally met as aforesaid, to tax such cost to the shares of the lawful owners of the original rights in such township (the four public rights only excepted) and the proprietors taxing such cost, may appoint a collector, who is hereby directed to publish such tax (as being due to the propriety, that those interested in the same may discharge it) in the *Connecticut Courant*, with the cause why such tax was made, three weeks successively, which cost shall be paid by the proprietors, and in case such tax shall not be paid to such collector, within thirty days after the last time of such publication, shall and may be lawful for such collector to publish in the *Connecticut Courant*, in manner as aforesaid, the names of the original grantees, whose tax remains due, either from them, or their assigns, or heirs, in order to notify the just claimants to such original rights, that in case they do not pay the same, that a certain necessary proportion of their land will be sold at public ven-

due, to pay such tax and cost, specifying the time and place of such vendue, which shall not be held under twenty days, or over thirty days, from such latest publication, in the *Courant* aforesaid: And *provided* there shall then remain any part of such tax unpaid, it shall and may be lawful for such collector to proceed to sell at public vendue, so much of such delinquent's land, beginning first with undivided (if any there be) as to pay such tax, together with cost, including not only the cost of such vendue, but that of the last advertisements. And such collector shall make and execute a deed or deeds to the purchaser or purchasers, which deed or deeds shall be good and valid in law.

Always provided, That if the proprietor of such land, shall appear and tender to such collector, the full sum of money for which such land was sold, with the cost arising thereon, any time before such deed of vendue sale is executed, then such collector shall receive the money, and not execute such deed to the purchaser, but re-deliver to him his money.

And such collector shall make return of his doings to the proprietors clerk, within one month after any such vendue, and remit the money which he may have collected, from time to time, to the treasurer as often as he may be directed by such propriety, and on neglect of any part of his duty, shall be liable to the same penalties, as is in this act before directed, for any deficiency in his duty. And *provided* there shall be any money remaining after such tax and cost is fully paid, such overplus money shall be paid to the person or persons, which were the rightful owners of such lands, as may be sold at the time of such vendue, when called for, by those to whom it is due, as explained aforesaid.

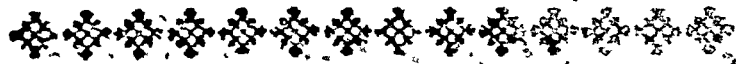
SEC. 2. *Be it further enacted by the authority aforesaid*, That such persons as may have been in the continental service, or in captivity, at such time when their lands may have been vendued as aforesaid, shall have a right of redemption to such lands, during one full year after the impediments of soldiery or captivity are removed, by payment or tendry of the same sum of money, for which such lands were sold, with the interest of such money, at six per cent. per annum. And in case any improvement shall have been made on such lands in the mean time, then those persons before described may make payment or tendry of such sum of money, as shall be judged by indifferent persons to be equal to the value of such improvements; and such person or persons shall be reinstated in the fee of their land; any thing in this act to the contrary notwithstanding.

SEC. 3. *And be it further enacted*, That from and after the first day of May, in the year 1779, all proprietors meetings and vendues respecting any lands in this state, shall be held in the town or county where such land lieth, and if any proprietors meeting

or vendue, respecting any lands in this state, shall be held out of the same, or in any other manner than what is warranted by this act, the same shall be null and void.

Passed February 23, 1779.

The preceding act virtually repealed by an act passed October 24, 1782.



An act in addition to, and alteration of a certain clause of an act, entitled "An act regulating proprietors meetings."

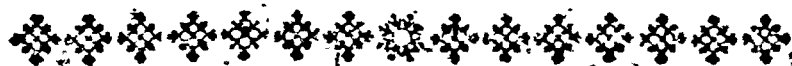
Whereas in the first paragraph of the act entitled "An act regulating proprietors meetings," it is enacted that all proprietors meetings shall be warned in the Connecticut Courant, which is found to be inconvenient : Which inconveniency to remove,

SECTION I.

BE it enacted, and it is hereby enacted by the representatives of the freemen of the State of Vermont, in general assembly met, and by the authority of the same, That from and after the publication of this act, proprietors meetings shall be warned in the *Vermont Gazette*, under the same restrictions and regulations as the law has heretofore directed them to be warned in the *Connecticut Courant*; and that that part of said act directing the warning of said proprietors meetings in the *Connecticut Courant* is hereby repealed.

Passed February 21, 1781.

This act virtually repealed, October 24, 1782.



An act regulating proprietors meetings.

SECTION I.

BE it enacted, and it is hereby enacted by the representatives of the freemen of the State of Vermont, in general assembly met, and by the authority of the same, That where lands lie in common, in any township in this state, and a number of the proprietors of such lands, to the amount of at least one sixteenth part, shall make application to any assistant or justice of the peace within the state, for calling a meeting of such proprietors, such justice or assistant, is hereby required to issue his warrant for calling such meeting, setting forth the time, place, and the several other matters and things to be transacted, and the reasons for calling such meeting;

which warrant shall be inserted in the *Vermont Gazette*, if the same be printed, or in default thereof, the *Massachusetts' Gazette*, or the *Connecticut Courant*, three weeks successively, the last time of which shall be, at least, twenty days before the convening such meeting. And such proprietors when met, may proceed by ballot to choose a moderator, clerk and treasurer, and may further proceed to transact any business which may concern the propriety, as the promoting of settlement, and laying out and making division of lands, laying out roads, and any other business whatsoever, which concerns the propriety, notified as aforesaid. And every proprietor shall be allowed to vote in proportion to his interest in such propriety. And the mode of the division of the lands shall be as follows, viz. When the proprietors are met according to the warning, and have agreed on the number of acres to be allotted or divided to each proprietor, they shall choose a committee to make a survey thereof, which committee shall, at least, consist of one surveyor, two chain-men, and one person to mark and make bounds (who shall all be under oath to the faithful discharge of their duty) and shall lay out and number one lot (or as many as the proprietors vote) to each right. And when such survey shall be made, they shall return a plan thereof to the proprietors when met; and the clerk shall cut as many small square pieces of paper as there are proprietors (including the public rights) and shall number them, and put them into a box and shake them, and some disinterested person shall draw them out, as the clerk shall call the proprietors names, beginning at the first name in the charter, and so on until all be drawn; and the clerk shall affix each number to the proprietor's name that drew it. *Provided always*, That nothing herein contained, shall prevent the proprietors from voting to any settler the lot he lives on, in lieu of his draft, if the same be legally notified in the warning for calling such meeting. And the votes and proceedings of such meetings as above, shall be good and valid in law. And such proprietors may adjourn, and agree on such mode of convening again, as to them may be thought expedient; and such clerk, being duly sworn, shall make fair and true entries of all the votes and proceedings of such meeting; from which records, such clerk shall give fair and attested copies of any matter or thing therein contained, when requested thereto, by any proprietor, on such proprietor tendering the sum of four pence for each hundred words contained therein. The charter of each town which may or can be procured, shall be recorded in the first pages of the proprietors book of records.

Always provided, That if any proprietors clerk shall neglect or refuse to do his duty herein, he shall on conviction thereof, before an assistant or justice of the peace, pay a fine of five pounds for every such offence, and all damages which may arise by such

neglect or refusal, and one half of such fine shall be paid to the complainant, who shall prosecute to effect, and the remainder to the proprietors treasurer, for the use of the propriety, and all legal costs shall be paid by such delinquent. That in any proprietors meeting, legally warned and convened for the purpose, it shall be lawful for such proprietors to make a rate of all such costs as shall have accrued in running town lines, making a division of lands, or any other matter for the benefit of the propriety; and to appoint a collector to gather the same, from the owners of lands in such propriety; which collector is hereby directed to publish such rate or tax, with the reason why the same was made, for three weeks successively, in the *Vermont Gazette*, if the same be printed, or in default thereof, in the *Connecticut Courant*, or the *Massachusetts' Gazette*. And in case any part of such rate shall be unpaid, thirty days after the last time of such publication, it shall be the duty of such collector to publish in the papers, and for the time before mentioned the names of the grantees, upon whose rights default of payment has been made, and the sums due thereon, and therein to give notice that a necessary proportion of such land will be sold at public vendue, at a certain place and time, to be therein mentioned, not less than twenty, nor exceeding thirty days from such last publication, unless such tax and the cost shall be sooner paid. And provided there shall then remain any part of said tax unpaid, such collector shall proceed to sell at public vendue, so much of such delinquent's land, beginning first with undivided (if any there be) as to pay such tax, together with costs, including not only the cost of such vendue, but that of the last advertisements. And such collector shall make and execute a deed or deeds to the purchaser or purchasers, which deed or deeds shall be good and valid in law. Always provided, that if the proprietor of such land, shall appear and tender to such collector, the full sum of money for which such land was sold, with the cost thereon, within one month after such sale, then such collector shall receive the money, and not execute such deed to the purchaser, but re-deliver to him his money. And such collector shall make return of his doings to the proprietors clerk, within two months after any such vendue, and remit the money which he may have collected from time to time, to the treasurer, as often as he may be directed by such propriety, and on neglect of any part of his duty, shall be liable to the same penalties, as is in this act before directed, for any deficiency in the clerk's duty. And provided there shall be any money remaining after such tax and cost is fully paid, such overplus money shall be paid to the person or persons which were the rightful owners of such lands, as may be sold at the time of such vendue, when called for by such owners.

SEC. 2. *Be it further enacted*, That such persons as shall be in

the continental service, or in captivity, when their lands shall be vendued as aforesaid, shall have right of redemption to such lands, during one full year after the impediments of soldiery or captivity are removed, by payment or tender of the same sum of money for which such lands were sold, with the interest of such money at six per cent. per annum, to the purchaser of such land, his heirs or assigns. And in case any improvement shall have been made on such lands in the mean time, then those persons before described, may make payment or tendry of such sum of money, as shall be judged by indifferent persons to be equal to the value of such improvements; and such person or persons shall be reinstated in the fee of their lands, any thing in this act to the contrary notwithstanding.

SEC. 3. *And be it further enacted*, That from and after the publication hereof, all proprietors meetings respecting any lands in this state, shall be held in the state; and all sales of lands by virtue of this act, shall be made at some public place in the county where such land lies; and if any proprietors meeting or vendue, respecting any land in this state, shall be held out of the same, or in any other manner than what is warranted by this act, the same shall be null and void.

SEC. 4. *And be it further enacted*, That nothing in this act shall be construed to affect or alter the votes or proceedings of any proprietors meeting or meetings, held before the passing of this act.

Passed October 27, 1782.



An act in addition to an act regulating proprietors meetings.

Whereas giving liberty to certain persons to pitch on particular spots of the undivided lands in the several new towns within this state, for the purpose of building mills, will greatly encourage the settlement of such towns; and whereas the publishing warnings for proprietors meetings in one news-paper only doth not give sufficient notice—Therefore,

SECTION I.

BE it enacted, and it is hereby enacted by the representatives of the freemen of the State of Vermont, in general assembly met, and by the authority of the same, That the proprietors of any town within this state, at their legal meeting, shall have full power to grant to any one or more of the proprietors, liberty to pitch and lay out for themselves, on their right or rights, such quantity of lands,

on the undivided lands of such town, as they shall judge reasonable and best, including proper places for building grist mills or saw mills in such town, on condition of their building such mill or mills, within such limited time as may be agreed on. Always provided, that the quantity of land granted to be pitched for a grist mill, do not exceed two hundred acres, and for a saw mill, the same quantity.

SEC. 2. *Be it further enacted*, That all warnings for proprietors meetings within this state, in future, and all other proceedings or proprietors meetings, and all proceedings in consequence thereof, which are by law to be published, shall be published in both the news-papers in this state, so long as the said papers continue to circulate; any law, usage or custom to the contrary notwithstanding.

Passed October 23, 1783.



An act in alteration of an act, entitled “An act regulating proprietors meetings.”

Whereas the time limited by said act, for the redemption of land sold to pay proprietors taxes, is so short, and many of the proprietors live at so great a distance from the place of payment, that many persons who are willing to pay, and wish to secure their lands, may be in danger of losing their property—

Therefore,

SECTION I.

BE it enacted, and it is hereby enacted by the representatives of the freemen of the State of Vermont, in general assembly met, and by the authority of the same, That the time of redemption of all lands sold, or that may hereafter be sold for the payment of proprietors taxes and costs (where the time of redemption is not expired) shall be six months from the time of the sale of said lands, the person or persons redeeming, allowing twelve per cent. interest per annum thereon, from the time of sale.

Passed March 3, 1784.

An act in addition to an act for regulating proprietors meetings.

Whereas it is found inconvenient in towns where several divisions have been made, and the principal part of such lands laid out and surveyed, to continue to lay out such lands before drawed for—Which inconvenience to prevent,

SECTION I.

BE it enacted, and it is hereby enacted by the representatives of the freemen of the State of Vermont, in general assembly met, and by the authority of the same, That proprietors holding lands within this state (after two divisions shall be made and laid out in any township within the same) shall have a right to divide the remainder by pitch, or otherwise, as shall be agreed upon, in any proprietors meeting legally warned, any law, usage or custom to the contrary notwithstanding.

Passed October 29, 1784.



An act in addition to, and explanation of an act entitled "An act regulating proprietors meetings."

Whereas proprietors of common and undivided lands within this state, in their meetings often levy a tax or taxes to defray the charges of certain services, before such services are performed, whereby more money is raised (in some instances) than is necessary to pay for the actual service done, which money is misapplied to the injury of many of the proprietors—

Which to prevent,

SECTION I.

BE it enacted, and it is hereby enacted by the representatives of the freemen of the State of Vermont, in general assembly met, and by the authority of the same, That no tax in future shall be levied by any such propriety, until the person or persons employed to perform any such service or services, for the discharge of such tax or taxes, may be levied, until such person or persons thus employed, do make out and return a particular account of their services and expenditures in performing such service or services; and a copy thereof shall be recorded in the proprietors book of records, when allowed by the propriety, to the end that any proprietor may know the charges of said propriety, and the disposition of the money so raised.

And whereas many persons are in doubt whether (by the common law) the proprietors collectors are responsible to the persons to whom they execute deeds, for land sold at vendue, for the payment of any such tax as aforesaid, whereby many persons are unwilling to bid at such vendue, by means whereof, large tracts of land are often sold for the payment of a small tax only : Therefore,

SEC. 2. It is declared and enacted, by the authority aforesaid, That each and every proprietors collector are holden to make good the damages to any such purchaser of land at vendue, so sold, provided such sale be adjudged illegal in law.

SEC. 3. Always provided, and be it further enacted, That when such illegal proceedings shall be transacted by the propriety, that such purchaser shall bring his action against those proprietors who have been active in such illegal proceedings ; and to the end that it may be known who those persons are, the clerk shall record every proprietors name that voted in the affirmative or negative ; and the proprietors shall be accountable for the conduct of such collector, in case he shall not have sufficient estate.

SEC. 4. And be it further enacted, That where it shall so happen that a first, second or third lot hath been legally laid out in any township, of common and undivided land, and the proprietors shall agree to lay out a further division, that no lot previously laid out in such township, shall be liable to be sold at vendue for defraying the charges of laying out any such after division.

SEC. 5. And be it further enacted, That the proprietors in common and undivided land, have no right to grant a tax on any lands divided into severalty in any case whatever. Provided always, that this act shall not be construed to prevent any collector from collecting taxes granted before a draught of lots is made. Provided also, that nothing herein contained shall be construed to affect any proceedings had before the passing hereof ; any thing in this act contained to the contrary notwithstanding.

Passed June 17, 1785.



An act in addition to an act regulating proprietors meetings.

Whereas it is enacted in said act, that all vendues of any lands to be sold, shall be held in the county where the land lies ; and whereas a greater part of the proprietors of many of the towns situate in the north counties in this state, live out of the state, and are obliged by said act, to travel through the several counties, at the distance of above one hundred miles, in order to make sale of the delinquent pro-

propriators land, by which means great unnecessary cost is made, and there being but few inhabitants in such towns, the lands are sold at vendue for but little : Which evils to prevent,

SECTION 1.

BE it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in general assembly met, and by the authority of the same, That it shall be lawful in future, for the proprietors of lands to make sale or hold vendues for the sale of any delinquent proprietors lands, in any county within this state, where the proprietors may think best, any law to the contrary notwithstanding.

SEC. 2. And be it further enacted, That no proprietors collector shall have liberty to make public sale of any lands by virtue of any law of this state, after the expiration of six months from the rising of this assembly, except such collector be an inhabitant of this state.

Passed October 27, 1785.

~~THE END OF THE ACT~~

An act in addition to an act regulating proprietors meetings.

Whereas it is found necessary to lengthen the time of redemption given in said act to such proprietors as may or shall have their land sold agreeable to said act—Therefore,

SECTION 1.

BE it enacted by the General Assembly of the State of Vermont, That the term of one year from the day or time of sale, be allowed to such proprietor or proprietors, as shall hereafter have their lands sold, agreeably to said act.

SEC. 2. And be it further enacted, That where any lands have been sold agreeable to said act, less than six months immediately preceding the passing of this act, that in all such cases, the time of redemption be extended one year from the time of such sale.

Passed October 31, 1786.

Note. The act passed October, 1782, "regulating proprietors meetings," and the several additions thereto, were repealed March 10, 1787—And

The following acts relative to proprietors meetings and the additions thereto are now in force.

An act regulating proprietors meetings.

SECTION I.

BE it enacted by the General Assembly of the State of Vermont, That where lands lie in common in any township in this state, and a number of the proprietors of such lands, to the amount of, at least, one sixteenth part, shall make application to any justice of the peace within the state, for calling a meeting of such proprietors, such justice is hereby required to issue his warrant for calling such meeting, setting forth the time, place, and the several matters and things to be transacted, and the reasons for calling such meeting, which warrant shall be inserted in all the news-papers printed in this state, three weeks successively, the last time of which shall be at least twenty days before the convening such meeting. And such proprietors when met, may proceed by ballot, to choose a moderator, clerk and treasurer, and may further proceed to transact any business which may concern the propriety; as the promoting of settlement, and laying out and making division of lands, laying out roads, and any other business whatsoever, which concerns the propriety, notified as aforesaid. And every proprietor shall be allowed to vote, in proportion to his interest in such propriety.

SEC. 2. *And be it further enacted,* That from and after the expiration of six months from the publication of this act, no person whatever in this state shall be capable of exercising the office of proprietors clerk, in any incorporated town, district or gore of land, unless he be an inhabitant of such town, district or gore, as aforesaid. And the mode for division of the lands shall be as follows, namely. When the proprietors are met according to the warning, and have agreed on the number of acres to be allotted or divided to each proprietor, they shall choose a committee to make a survey thereof, which committee shall consist of one or more persons (who shall be under oath to the faithful discharge of his or their duty) and shall lay out and number one lot (or as many as the proprietors vote) to each right; and when such survey shall be made, they shall return a plan thereof to the proprietors when met, describing the corner of each lot, and the clerk shall cut as many small square pieces of paper as there are proprietors (including the public rights) and shall number them, and put them into a box, and shake them, and some disinterested person shall draw them out as the clerk shall call the proprietors names, beginning at the first name in the charter, and so on, until all be drawn, and the clerk shall affix each number to the pro-

prietor's name who drew it. *Provided always*, that nothing herein contained, shall prevent the proprietors from voting to any settler the lot he lives on, in lieu of his draft, if the same be legally notified, in the warning for calling such meeting. *Provided also*, that nothing herein contained, shall be construed to prevent the proprietors, in any legal meeting, where the same shall be notified in the warning, granting to any proprietor liberty to pitch, and lay out for himself, on his own right, such quantity of undivided land, as said proprietors shall think proper, adjoining to, and including proper places for erecting grist mills and saw mills, on condition of building such mill or mills, within such limited time as may be agreed on, *provided* that such pitches shall be allowed only for encouragement to build the first grist mill and saw mill in any town, and shall not exceed the quantity of two hundred acres for each of such mills; and the votes and proceedings of such meetings as above, shall be good and valid in law; and such proprietors may adjourn from time to time, as to them may be thought expedient. And such clerk being duly sworn, shall make fair and true entries of all the votes and proceedings of such meeting, from which records such clerk shall give fair and attested copies of any matter or thing therein contained, when requested thereto, by any person, on such proprietor's tendering the sum of four pence for each hundred words contained therein. The charters of each town which may or can be procured, shall be recorded in the first pages of the proprietors book of records.

SEC. 3. *And be it further enacted*, That if any proprietors clerk shall neglect or refuse to do his duty herein, he shall, on conviction thereof before any justice of the peace, pay a fine of five pounds for every such offence, and all damages which may arise by such neglect or refusal; and one half of such fine shall be paid to the complainant, who shall prosecute to effect, and the remainder to the proprietors treasurer, for the use of the propriety, and all legal costs shall be paid by such delinquent. That in any proprietors meeting legally warned and convened for the purpose, it shall be lawful for such proprietors, to make a rate of all such costs as shall have accrued, in running town lines, making a division of lands, or any other matter for the benefit of the propriety, after such services shall have been performed, and an account therefor allowed by the proprietors, and recorded in their book of records, and to appoint some inhabitant of this state a collector to gather the same, from the owners of lands in such propriety; which collector is hereby directed to publish such rate or tax, with the reasons why the same was made, for three weeks successively, in all the newspapers printed in this state. And in case any part of such rate shall be unpaid, thirty days after the last time of such publication, it shall be the duty of such collec-

tor to publish in the papers, and for the time before mentioned, the names of the grantees; upon whose right default of payment has been made, and the sums due thereon; and therein to give notice, that a necessary proportion of such lands will be sold at public vendue, at a certain time and place to be therein mentioned, not less than twenty nor exceeding fifty days from such last publication, unless such tax and the costs shall be sooner paid, and provided there shall then remain any part of such tax unpaid, such collector shall proceed to sell at public vendue, so much of such delinquent's land, as to pay such tax, together with costs, including not only the cost of such vendue, but that of the last advertisements. And such collector shall, within one year after such sale, unless such land be redeemed, make and execute a deed or deeds, to the purchaser or purchasers, with a covenant of warranty, which deed or deeds shall be good and valid in law.—*Provided always*, that no sale made by virtue hereof, except it be made between sunrise and sunset shall be valid. And *provided*, that if the proprietors of such land shall appear and tender to such collector the full sum of money for which such land was sold, with the cost arising thereon and twelve per cent. interest, within one year after such sale, then such collector shall receive the money and not execute such deed to the purchaser, but deliver to him his money and interest as aforesaid. And the proprietors passing any vote under which land shall be sold (a record of whose names the clerk is hereby directed to make) are hereby made accountable to their collector for any damages he may sustain by making such sales, when the same shall happen by means of the illegality of the proceedings of said proprietors, and that said proprietors, by virtue hereof, shall have no right to intermeddle with, or sell any lands divided into severalty in any case whatever, excepting the division for which the tax shall be made. And such collector shall make return of his doings to the proprietors clerk, within twelve months after any such vendue, and remit the money which he may have collected from time to time, to the treasurer, as often as he may be directed by such propriety; and on neglect of any part of his duty, shall be liable to the same penalties, as is in this act before directed, for any deficiency in the clerk's duty.

SEC. 4. *Be it further enacted*, That such persons as shall be beyond sea, or in captivity when their lands shall be vendued as aforesaid, shall have a right of redemption to such lands, during one full year after the impediments are removed, by payment or tender of the same sum of money for which such lands were sold, with the interest of such money, at six per cent. per annum, to the purchaser of such land, his heirs or assigns. And in case any improvement shall have been made on such lands, in the mean time, then those persons before described, may make pay-

ment or tender of such sum of money, as shall be judged by indifferent persons to be equal to the value of such improvements. And such person or persons shall be reinstated in the fee of their land, any thing in this act to the contrary notwithstanding.

SEC. 5. *And be it further enacted, by the authority aforesaid,* That from and after the publication hereof, all proprietors meetings respecting any lands in this state, shall be held in the state, and all sales of lands by virtue of this act, shall be made at some public place in the county where such land lies; and if any proprietors meeting or vendue, respecting any lands in this state, shall be held out of the same, or in any other manner than what is warranted by this act, the same shall be null and void.

Provided, That nothing in this act shall be construed to affect or alter the vote or votes of any proprietors before the passing this act, or to prevent the pitching of their division as heretofore begun, unless it was contrary to the laws then in force.

Passed March 9, 1787.



An act in addition to an act entitled "An act regulating proprietors meetings," and also in addition to "An act directing town clerks in their office and duty."

Whereas there is a clause in said act regulating proprietors meetings, directing that from and after the expiration of six months from the publication of this act, no person whatever in this state, shall be capable of exercising the office of proprietors clerk in any incorporated town, district or gore of land, unless he be an inhabitant of such town, district or gore, as aforesaid. And whereas there is no penalty in said act, on any proprietorship, in case they refuse or neglect to appoint proprietors clerks within such incorporated towns, gores or districts, which may create great inconvenience —

Therefore,

SECTION I.

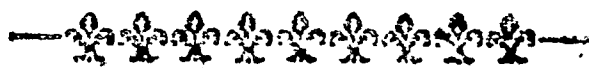
IT is hereby enacted by the General Assembly of the State of Vermont, That if the proprietors of any incorporated town in this state, shall refuse or neglect to appoint a proprietors clerk within such incorporated town, within two months from the publishing of this act, that it may and shall be lawful for the town clerk of any such town, where the proprietors neglect or refuse, as aforesaid, to do all and every duty that may or shall belong to any such pro-

prietors clerk; and such town clerk be, and is hereby directed and empowered to call on the former proprietors clerk of such town, for all the records, files and papers that belong to said proprietors clerk's office, and shall remove and keep the same in such town clerk's office. And if any such proprietors clerk shall refuse to deliver up such proprietors records, files and papers, that belong to such proprietors clerk's office, to such town clerk, within sixty days after the same has been demanded as aforesaid, such proprietors clerk shall forfeit and pay into the town treasury, for the use of such town, the sum of eight pounds, to be recovered before any court proper to try the same; and also shall forfeit and pay to such town treasurer, the sum of six pounds for every month that he shall neglect or refuse to deliver over such proprietors records, &c, after being so demanded.

SEC. 2. *It is hereby further enacted,* That if any town clerk, who shall refuse or neglect to do his duty as herein specified, after being required by any one proprietor, shall forfeit and pay unto such proprietor, the sum of three pounds for every month he shall neglect or refuse to do his duty as herein required. And that if any town clerk, after he has received such proprietors records and papers, shall refuse to give copies, &c. he shall be liable to the same penalty, as proprietors clerks are subjected to in said act.

SEC. 3. *It is hereby further enacted,* That whenever any town shall choose a new town clerk, it shall be the duty of such town clerk to wait on the former town clerk of such town, within three days after his appointment, and demand all the records and papers belonging to such town clerk's office, and if such former town clerk shall refuse or neglect to deliver up such records and papers, he shall forfeit and pay to the treasurer of such town, five pounds for every week's neglect, after the same have been demanded as aforesaid, to be recovered before any court proper to try the same, on complaint or information of any town officer of said town.

Passed October 23, 1788.



An act making it the duty of proprietors clerks to deliver over the records, files and papers belonging to his office, to his successor in said office.

SECTION 1.

IT is hereby enacted by the General Assembly of the State of Vermont, That if any proprietors clerk shall neglect or refuse, on de-

mand being made by any one of the proprietors or land owners of said town, to give over to his successor in that office, within one month after demand as aforesaid, all the records, files and papers belonging to his said office, such proprietors clerk so neglecting, shall forfeit and pay the sum of fifty pounds, lawful money, for every month he shall so neglect as aforesaid, one half of the said sum to the treasurer of the town of which he was proprietors clerk; and in case there shall be no such treasurer, then the said half to the treasurer of the county in which such town shall lie; and the other half to him who shall prosecute the same to effect.

SEC. 2. *And it is hereby further enacted,* That when the proprietors clerk of any organized town, does not reside within the same, the town clerk of such town, for the time being, shall officiate as proprietors clerk of such town, and the former proprietors clerk of such town, upon demand being made by any proprietor or land owner of said town, shall deliver over to such town clerk, within one month after such demand as aforesaid, all the records, files and papers belonging to his said office, or such proprietors clerk so neglecting as aforesaid, shall forfeit and pay the sum above mentioned, to be collected and appropriated in manner as above in this act provided.

Passed October 27, 1789.



An act in addition to an act, entitled "An act regulating proprietors meetings."

Whereas, by said act, passed March 9, 1787, all proprietors meetings respecting any lands in this state, may be held in any township in this state, whereby the proprietors residing in any township are frequently called to attend their meetings, and transact the business of the propriety, in the remotest part of the state, to their great damage—Which evil to prevent,

SECTION I.

IT is hereby enacted by the General Assembly of the State of Vermont, That from and after the rising of this assembly, that all proprietors meetings respecting lands in this state, shall be holden in the township where such land lies, if there shall be ten families in such township, and in case there shall not be ten families in such township, such meeting shall be held in the county where such land lies.

SEC. 2. *And it is hereby further enacted,* That all proprietors meetings, notified or adjourned to be holden in any other place, than agreeable to this act, the proprietors when met, shall without doing any other business, proceed to choose a moderator and clerk *pro tem.* and adjourn said meeting to some convenient place in the town or county where said land lies, as aforesaid, and that the acts or doings of any proprietors meetings, not holden agreeable to the tenor of this act, shall not be valid in law.

Passed November 1, 1791.



An act in addition to an act making it the duty of the town and proprietors clerks to give over the records, files and papers to their successors in office.

Whereas it is sometimes the case that town and proprietors clerks refuse to give up their records as the law directs:—Which evil to prevent,

SECTION 1.

IT is hereby enacted by the General Assembly of the State of Vermont, That if any town or proprietors clerk shall refuse to give up to their successors in office, the records, files and papers belonging to the town or propriety, of which he was clerk, within one month after their being demanded, and not having personal property on which to levy execution to answer the forfeitures which may be recovered for such detention, the body may be taken and committed to gaol, and shall remain in close prison, on his own cost, without bail or mainprize, until he deliver over the records, files and papers as aforesaid.—And

SEC. 2. *Be it further enacted,* That all proprietors clerks that may or shall be appointed by any proprietors in this state, who shall receive their appointment at any time after three months from the passing this act, and refuse or neglect to deliver over their records, files and papers, as aforesaid, and have not personal property to levy on as aforesaid, the proprietors appointing such clerk or clerks, shall be liable to, and pay all such forfeitures as aforesaid, to be recovered in like manner as is provided for the recovery of such forfeitures of proprietors clerks, in an act making it the duty of proprietors clerks, to deliver over the records, files and papers belonging to his office, to his successors in office, passed the 27th day of October, 1789.

Passed November 7, 1792.

An act in addition to an act, entitled "An act regulating proprietors meetings," passed March 9, 1787.

Whereas it sometimes happens that a majority of the rights or shares of land in some towns in this state, are owned by one or a few individuals, who from private views may obstruct a division of the lands in the mode already provided by law, to the great injury of the minor part of the owners—Therefore,

SECTION I.

IT is hereby enacted, by the General Assembly of the State of Vermont, That on application of one sixteenth part of the proprietors of any town, or other lands granted unto, or owned by proprietors, as tenants in common, to be divided to, and among them, to one of the judges of the supreme court, such judge shall sign a notification to the proprietors and land owners of such town, or other lands as aforesaid, to appear at the next supreme court, to be holden in the county where the said lands shall lie, and show cause why a division of such lands shall not be made by the said court, according to the true intent of their grant; which notification shall be published in all the public newspapers in this state, six weeks successively, the last of which publication shall be at least four weeks before the sitting of the said court, and if no sufficient legal reason shall be shown to the contrary, the court shall appoint three able and indifferent freeholders as commissioners, under the seal of the court, to make a division of the said lands, who shall be sworn to the faithful discharge of their trust. And the said commissioners shall by a skilful surveyor and chain-men under oath, after having set apart such a portion thereof, as they shall judge will be sufficient to defray all the expences of such partition, cause the residue of said land so to be divided as aforesaid, to be surveyed in one or more lots to each proprietary share, public rights, if any there be, included, in such manner as equal justice shall require, so as to make the several shares to be divided as nearly equal in value as may conveniently be. And if there shall be several lots laid to any proprietary share, the lots shall finally be denominated by several divisions, according to the number of lots to each share. That when the commissioners shall have completed the surveying and allotting the tract so to be divided by them, as aforesaid, they shall cause an accurate map and field book, specifying the bounds of every lot to be made and signed by their surveyor and chain-men, which lots shall be numbered in one or more divisions, as the case may be; after which they shall give notice four weeks successively, in one of the newspapers printed in this state, requiring all persons interested, to attend at a particular time & place,

to be in such notification mentioned, to see the allotments balloted for. At which time and place, the said commissioners having made as many tickets as there are allotments, including public rights, if any there be, with the number of an allotment written on each of the said tickets, and as many tickets as there are proprietors, with the name of a proprietor or title of a public right, written on each ticket; the ticket of names shall be put into one box, and the tickets of numbers into another, and one of the commissioners, or some person by them appointed, shall immediately proceed to draw a ticket of the names, and then a ticket of the numbers, and enter on the map the name of the proprietor; or title of the public right, in the allotment on the map corresponding with the number drawn; and thus proceed till the tickets are all drawn; and the allotment on the map bearing the number of the ticket drawn, next after drawing the ticket with the name, shall be the separate and divided share of such proprietor in the land so divided; and of all persons holding under him or her; of which balloting, and all the proceedings in such partition, the said commissioners shall make a full and fair entry in a book, which book, together with the map and field book, and certificates of their being duly sworn, shall be returned to the court at their next term, where the cause shall be depending, and be filed with the clerk of said court. And unless sufficient reason shall be shown to the contrary, the said division shall be ratified by the said court, and hereafter forever remain firm and valid in law. Which books or office copies thereof, shall be good evidence of such partition, in any court of record in this state.

SEC. 2. *And it is hereby further enacted*, That the said commissioners be, and they are hereby empowered, when they shall judge it reasonable, to set off to any person settled upon, or improving any part of said lands, the lands so settled upon or improved, in lieu of such person's draft, on the right or rights, or part thereof, owned by such person.

SEC. 3. *And it is hereby further enacted*, That the said commissioners shall proceed to sell the lands set apart as aforesaid, to defray the expences of the said division, and shall keep and render an account of their proceedings to the said court, and the said court shall proceed thereon in the same manner as is directed in an act, entitled "An act for the partition of lands." And if any of the said commissioners shall die before they shall have completed their business as aforesaid, their powers shall vest in, and be exercised by the survivors or survivor, agreeably to a prescription made in said act.

SEC. 4. *Provided nevertheless, and it is hereby further enacted*, That if at any time hereafter a process shall be brought before the supreme court, agreeable to this act, that on the proprietors

records, and other records being produced to said court, they shall find a division has been made, in whole or part, by drawing or pitching land agreeable to the votes of proprietors, or regular customs existing at the time such division was made, that the order of such court, or power of the commissioners, shall not extend to alter or affect such allotments, but the court shall order a field book made in such manner, as to establish such division, in whole or part, according to such allotments, to be lodged in the town clerk's office in such town, with the doings of the commissioners.

Provided also, That where actual settlement and occupancy is made on any lot or lots pitched by vote of the proprietors or legal vendue pitch, such settler or occupant shall hold the lot or lots on which he or she is so settled or improvements made on them, in lieu of his or her part, otherwise to be set off by said commissioners.

Provided also, That in any town or towns that have been divided in part or in whole, by pitching or drafting under the former votes of the proprietors, and the survey bills and plan has been kept open to the view of the proprietors, no commissioners shall be appointed.

Passed October 29, 1794.



An act directing the proprietors clerks, upon the dissolution of the proprietorship of any town, to deliver over the records to the town clerk.

SECTION 1.

IT is hereby enacted by the General Assembly of the State of Vermont, That as soon as all the lands in any town in this state, are divided into severalty, it shall and hereby is made the duty of the proprietors clerk of such town, upon the application of one or more of the select men, to deliver over to the town clerk, all records, maps and other papers belonging to said proprietors clerk's office.

SEC. 2. *And it is hereby further enacted,* That such towns as have been or may hereafter be divided, or parts thereof annexed to any other town, the proprietors records of such town shall be kept within the limits of such town, as retains the name by which said town was originally granted. And if said proprietors clerk shall, for the space of one month, neglect or refuse to deliver over the records of said office to the town clerk as aforesaid, he

shall pay a fine of ten dollars for each month's neglect as aforesaid, to be recovered by, and for the use of any person, who will prosecute the same to effect.

Passed November 9, 1797.



An act for the purpose of emitting a sum of money and directing the redemption of the same.

Whereas it is found necessary for the purpose of carrying on the war, and the payment of the public debts of this state, as well as for enlarging the quantity of circulating medium, to emit a sum adequate to the several necessary purposes, in bills on the credit of this state—

Therefore,

SECTION I.

BE it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in general assembly met, and by the authority of the same, That there be forthwith printed—[this clause, and the second and third clauses of this act, points out the mode of issuing the money and laying a tax on the list of the polls and rateable estate for the redemption of part of the same.]

And whereas the land is the great object of the present war, and receives the most solid protection of any estate, a very large part of which has hitherto paid no part of the great cost arisen in defending it, whilst the blood and treasure of the inhabitants of the state has been spent to protect it, who many of them owned but a very small part thereof—Wherefore for the redemption of the remaining part of said bills, and the lodging a sum of money in the treasury,

SEC. 4. *Be it enacted by the authority aforesaid, That there be, and there is hereby granted and laid a tax of ten shillings on each hundred acres of land within this state, which will now admit of settlement on account of the war, except public rights, and the college lands, which tax shall be paid into the treasury of this state, in silver, at the rate of six shillings per Spanish milled dollar, or gold equivalent, or in said bills. And the publication of this part of this act, in the Vermont Gazette, the New-Hampshire Gazette, one of the Boston newspapers, the Connecticut Courant, and the Massachusetts' Spy, three weeks successively, as soon as may be, and the treasurer calling on the land holders,*

to pay their tax agreeable to this act, in the said newspapers, once in the month of November next, and once in the month of December next, shall be sufficient notification to all persons concerned.

And whereas difficulties might arise in collecting said tax in any one mode—Which to prevent,

SEC. 5. *It is hereby enacted by the authority aforesaid, That the following be the mode for collecting the tax for the towns of Pownal, Bennington, Shaftsbury, Arlington, Manchester, Dorset, Rupert, Danby, Tinmouth, Clarendon, Pollet, Wells, Poultney, Rutland, Guilford, Halifax, Brattleboro', Marlboro', Townshend, Dummerston, New-Fane, Putney, Westminster, Rockingham, Windsor, Hertford, Woodstock, Hartford, Pomfret, Thetford, Strafford, Newbury, Ryegate, and any other towns that are organized and choose it, that the first constable chosen for the year 1781, in each respective town shall be, and they are hereby empowered (on receiving a warrant therefor from the treasurer) to collect said tax in the respective towns, of the several land owners, and they are hereby empowered to levy on the goods and chattels of the said land owners, for the payment of the same, agreeable to the law directing the levying and serving executions, except that when the constable shall have occasion to sell lands for payment of said tax, such land shall be sold at vendue; and the time of payment of such tax to the constable, shall be on or before the first day of January next, and the time for his settling with the treasurer, shall be on or before the first day of April following. And a copy of the constable's warrant, with his doings thereon, in respect to the particular land sold for the payment of said tax, agreeable to this act, attested by the constable, and recorded in the town clerk's office, shall be a good title, to the exclusion of all other claims, to the purchaser of said land.*

Provided always, Where any lands lie in common or undivided, and a part of the proprietors or owners of such common or undivided land, shall pay their proportion of the tax of such common or undivided land, and the constable shall have occasion to sell land for raising the remaining part of the tax of such common or undivided lands, he shall cause to be recorded in the town clerk's office, the names and proportions of the persons who have paid their tax, who shall not be curtailed, but be as fairly entitled to the proportion they pay for, as they were before, and the constable shall be allowed one pound out of each hundred pounds he collects and pays into the treasury, and shall be entitled to the same fees from the persons whose taxes he receives after the first of January next, as he is in case of levying and serving executions. And lest doubt may arise on that head, it is hereby declared, that in case of the state tax, the towns are to be responsible for the ability and faithfulness of their constables.

SEC. 6. *Be it further enacted by the authority aforesaid,* That the mode for collecting said tax for the other towns, as also for any of the aforesaid towns, which may neglect paying in their tax by the first day of April, 1782, shall be as follows, viz. It shall be lawful for the proprietors or owners of the land of any town to meet, where it shall be most convenient for them, in one or more meetings (any law, usage or custom to the contrary notwithstanding) and choose collectors to collect such tax of the proprietors or land owners of the respective towns, which they are chosen for.

Provided always, That the said collectors be not empowered to sell lands. And the land owner who does by himself or such collector pay his proportion of said tax to the treasurer of this state, by the first day of April next, shall be discharged therefrom. And in case any part of the tax shall remain unpaid at that time, it shall be the duty of the treasurer to issue his warrant to the sheriff of the county, or his deputy, commanding him to sell at vendue, unimproved land in such town to the amount thereof, and a sufficiency to pay all attending charges belonging to any such persons who have not paid their tax.

Provided, That when undivided land is sold, which must always be the case (if there be any such that is valuable) that the persons paying their proportion of said tax, to the treasurer, before the warrant be issued, shall not be curtailed, but be as fairly entitled to the proportion they pay for, as they were before; and a copy of the sheriff's warrant, with his doings thereon, in respect to the particular land sold for the payment of said tax, agreeable to this act, attested by such sheriff, recorded in the county clerk's office, shall be a good title to the exclusion of all other claims to the purchaser.

Provided always, That it shall be the duty of the sheriff or constable to advertise the sale of any lands to be sold for the payment of such tax, three weeks successively in the *Vermont Gazette*, at least five days before such sale, and post an advertisement thereof, in the town where such land lies, if inhabited, if not inhabited, in the next inhabited town, at least twenty days before such sale. And lest injustice be done to any person, by having more of his land sold than enough to amount to his rate, or proportion of the tax,

SEC. 7. *Be it further enacted,* That if any person shall have more of his land sold than his proportion, he shall have a right of action and recovery against the person or persons, who are delinquents with him, either in whole or in part, for their proportion, according to their interest, of the value of the land so sold, according to the appraisal of indifferent men, at the time of such recovery.

Provided, That such action be brought within the term of one year from the sale of such land, and not after.

Provided always, That in case any person pays a land tax of land, supposing it to be his own, and it afterwards appears on trial to belong to another person, he shall have a right of action and recovery against the proper owner of such land, for such sum as he shall pay for such land tax. *Provided also*, That whenever the sheriff or constable, shall sell more land than a sufficiency to pay the tax ordered to be collected, if by a sheriff the overplus shall be lodged in the county treasury, if by a constable the overplus shall be lodged in the town treasury for the owner.

Passed April 14, 1781.



An act in addition to an act, entitled "An act for the purpose of emitting a sum of money and directing the redemption of the same."

Whereas in the act for the purpose of emitting a sum of money and directing the redemption of the same, there is a land tax laid on all the towns in this state, which will now admit of settlement on account of the war, and in said act there is no description of the identical towns that are to pay the land tax, and as it is now found necessary to name the particular towns,

SECTION 1.

BE it enacted, and it is hereby enacted by the representatives of the freemen of the State of Vermont, in general assembly met, and by the authority of the same, That the towns here after named be the towns that shall pay said tax, that is to say, Pownal, Stamford, alias New Stamford, Reedsboro', Bennington, Woodford, Shaftsbury, Glastenbury, Somerset, Arlington, Sunderland, Stratton, Manchester, Brumley, Windball, Londonderry, Rupert, Dorset, Pawlet, Danby, Harwich, Wells, Tinmouth, Wallingford, Poultney, Clarendon, Rutland, Killington, Shrewsbury, Sandgate, Pittsford, Castleton, Hindsdale, Guilford, Halifax, Wilmington, Brattleboro', New Fane, Marlboro', Dummerston, Wardsboro', Townsbend, Putney, Athens, Westminster, Rockingham, Thomlinson, Springfield, Chester, Andover, Weathersfield, Cavendish, Saltsb, Ludlow, Windsor, Reading, Hartford, Woodstock, Bridgewater, Stockbridge, Hartford, Pomfret, Barnard, Norwich, Sharon, Royalton, Thetford, Strafford, Tunbridge,

Vershire, Fairlee, Landgrove, Newbury, Corinth, Ryegate, Barnet, Lunenburg, Guildhall, Maidstone, Minehead, Brunswick, Jamaica, Lemington, Averil, Lewis, Wenlock, Ferdinand, Granby, Topsham, and Peacham.

Passed June 27, 1781.



An act for repealing a certain clause in the act entitled "An act for the purpose of emitting a sum of money, and directing the redemption of the same."

Whereas it is found that it will not answer the purpose designed, in having the vendues of lands to be sold to pay the land tax, published in the Vermont Gazette—Therefore,

SECTION I.

BE it enacted, and it is hereby enacted by the representatives of the freemen of the State of Vermont, in general assembly met, and by the authority of the same, That that part of said law, directing the advertisement of the sale of the lands to be sold for the payment of the land tax, in the *Vermont Gazette* be, and is hereby repealed.

Passed February 28, 1782.



An act in alteration of an act, entitled "An act for the purpose of emitting a sum of money, and directing the redemption of the same," passed in April, 1781.

Whereas in and by the said act, it was provided that it shall be the duty of the sheriff or constable, to advertise the sale of any lands, to be sold for the payment of the tax of ten shillings, laid upon every hundred acres of land in and by said act, three weeks successively, in the Vermont Gazette, at least five days before such sale; and whereas this assembly, in February session last, did repeal the above recited clause; and whereas the above mentioned act, passed in April, 1781, was printed and dispersed in the several towns in this state, as well as among the owners of lands without, and the said repealing act, passed in February, hath not yet been printed and published in the usual manner, by which means the owners of land were led

to believe that before their lands could be sold for the payment of said tax, three weeks notice would be given in the Vermont Gazette, which notice being not given, many inhabitants not only of this but of the neighbouring states, have suffered the loss of their interest, by the sale of their lands; and whereas no time of redemption was allowed to the proprietors of land so sold, which the nature of the act most strongly required; and whereas the mode of selling said lands by the sheriffs and constables of the several counties and towns, was subject to fraud, injustice and collusion, whereby many valuable interests were disposed of, for much less than their real value; and which fraud it would be difficult for a court of law to detect:

Therefore,

SECTION I.

BE it enacted, and it is hereby enacted by the representatives of the freemen of the State of Vermont, in general assembly met, and by the authority of the same, That in case any person or persons, who have suffered the loss of his, her or their estate or estates, or any part thereof by vendue, sold by the sheriffs or constables in the several counties and towns within this state, who have made sale of any lands agreeable to the above act, shall within the term of six months from the rising of this assembly, tender or pay unto the person or persons who were the first purchasers of his, her or their land so sold, the full sum in specie, with eighteen per cent. interest, costs of sale and expence of survey (if any has been made) for which his, her or their lands were sold, by the act aforesaid, the title to said land shall immediately thereupon vest in the former owner, in as full a manner as if said land had not been sold by virtue of said act. But if said money shall not be tendered as aforesaid, the party purchasing the same, his heirs and assigns, shall have as good a title thereto as if this act had never been made. And the proof of such tender, made before any justice of the peace, in the county where the land lies, and recorded in the clerk's office, where the constable's or sheriff's warrant is recorded, shall be esteemed sufficient evidence of such title, the said sale to the contrary notwithstanding. And if said land be conveyed by said purchaser to a third person, and money paid or obligation given, in such case, said purchaser offering to return said money or obligation, such conveyance shall be vacate, and if said purchaser shall refuse to give back said money, said third person first tendering to give up said conveyance, may commence suit against such person for said money, and judgment shall be accordingly rendered therefor with costs, and the obligations shall be null and void.

SEC. 2. *And be it further enacted, That if any land shall hereaf-*

ter be sold by virtue of said act, the owner or owners of such land shall have a right to redeem the same, at any time within the term of six months, after such sale, by paying or tendering, in specie, the full amount of the tax for which said land was sold, and the aforesaid interest thereof, with the costs of sale, to the person or persons who purchased the same from the sheriff, his executors or administrators; and the receipt of such person or persons to whom such land shall be sold, his executors or administrators, on proof made of the tender thereof, before a justice of the peace, and recorded in the clerk's office where the sheriff's warrant shall be recorded, shall be evidence of the title thereto, and the title to said land shall immediately thereupon vest in the prior owner of said land, any thing in the said act to the contrary notwithstanding.

Always provided, That where lands have been sold for more than the tax, and charge of sale, the original claimant shall be entitled to receive the overplus out of the respective treasuries, where they are deposited.

Also provided, That where any person has paid the treasurer his tax, agreeable to the spirit and intention of said act, it shall be deemed good in law.

Passed June 21, 1782.



An act for the purpose of levying the respective taxes therein contained, and directing and regulating the mode for collecting the same.

SECTION I.

BE it enacted, and it is hereby enacted by the representatives of the freemen of the State of Vermont, and by the authority of the same, That there be and hereby is granted a tax of five pence on the pound, on the list of the polls and rateable estates of the inhabitants of this state, for the year 1783; which tax the first constable of each respective town is hereby required (on receiving a warrant from the treasurer for that purpose) to collect and pay into the treasury of this state, on or before the first day of January, which will be in the year of our Lord, 1784; and the constable shall be allowed exclusive of his legal fees, one pound out of each eighty pounds he collects and pays into the treasury. Which tax shall be paid in silver or gold, or in the bills of credit of this state, heretofore emitted, or in state notes issued by the treasurer.

SEC. 2. *Be it further enacted*, That there be, and hereby is granted a tax of three pence on the pound on the list of the polls and rateable estates of the inhabitants of this state, which tax shall be paid in silver or gold only, and shall be collected in the same manner and paid into the treasury at the same time limited and appointed before in this act, for the collecting and paying in the five penny tax, and the constable shall be allowed a like sum for collecting the same.

SEC. 3. *And be it further enacted*, That there be, and hereby is granted a tax of ten shillings on each hundred acres of land in the respective towns hereafter mentioned in this act, to wit: Burlington, Williston, New Huntington, Duxbury, Moretown, Berlin, Colchester, Essex, Jericho, Bolton, Waterbury, Middlesex, Milton, Westford, Underbill, Mansfield, Stowe, Worcester, Georgia, St. Albans, Savanton, Highgate, Fairfax, Smithfield, Fairfield, Hungerford, Shelburn, Charlotte, Ferrisburg, Panton, Addison, Bridport, Shoreham, Orwell, Hinesburgh, Monkton, Newhaven, Pocock, Cornwall, Weybridge, Sudbury, Whiting Hubbardton, Middlebury, Salisbury, Leicester, Nesbobe, Fairhaven, Benson, Bethel, Brookfield, and Randolph, excepting public rights and college lands; which tax shall be paid into the treasury in hard money, or in bills of credit emitted by this state, or in state notes issued by the treasurer of this state, on or before the first day of January, which will be in the year of our Lord, 1784; and shall be collected in the same manner in those towns organized with town officers as is before provided in this act, for levying and collecting the five penny tax.

SEC. 4. *And be it further enacted*, That real estate in any town in this state, shall be liable to be taken and sold at public auction, sufficient for payment of any lawful tax, charged, or that may be hereafter legally charged to the owner or owners thereof, and to satisfy the legal costs and fees thereon. And no sale, transfer or conveyance soever, of any real estate hereafter to be made by the owner thereof, shall be deemed good and valid in law, or invest the title in any purchaser or grantee whatsoever, until all the public taxes due from such grantor shall be paid and discharged. *Provided nevertheless*, That the time and place of sale for payment of such taxes, shall be advertised by the collector three weeks, in some public newspaper in this state, at least six weeks before such sale. And whenever any lands of any proprietor or proprietors, or land owners, shall be thus sold by virtue of this act, the collector of such tax or taxes, shall make and give to the purchaser a deed of warranty thereof, signing said deed as collector of the respective tax on which said land was sold. And if the said proprietor or proprietors, or land owners shall not within twelve months next after such deed is lodged in the town clerk's office, or for want thereof, in the county clerk's office,

or proprietors clerk's office, pay and satisfy or tender to such purchaser, the purchase money, together with all costs and charges (including the expence of surveying such lands, if any be made) or deposit the same in the office where the deed is lodged, and twelve per cent. interest thereon arising, in gold or silver, the same shall be recorded, and thereupon the title be confirmed to, and in such purchaser, his heirs and assigns, to all intents and purposes forever.

SEC. 5. *And be it further enacted*, That the sheriffs in their respective counties be, and are hereby declared to be collectors in all those towns that are not organized with proper town officers as aforesaid.

SEC. 6. *And be it further enacted*, That where any lands lie in common or undivided, and a part of the proprietors or owners of such common or undivided land shall pay their proportion of the tax of such common or undivided land, and the collector shall have occasion to sell land for raising the remaining part of the tax of such common or undivided lands, he shall cause to be recorded in the town clerk's office, or for want thereof, in the county clerk's office, or in the proprietors clerk's office of the respective towns, the names and proportions of the persons who have paid their tax, who shall not be curtailed, but be as fairly entitled to the proportion they pay for, as they were before, and the collector shall be allowed one pound out of each hundred pounds he collects and pays into the treasury, and shall be entitled to the same fees from the persons whose taxes he receives after the first day of January next, as he is in case of levying and serving executions. And lest doubt may arise on that head, it is hereby declared that the towns are to be responsible for the ability and faithfulness of their collector.

SEC. 7. *And be it further enacted*, That it shall be lawful for the proprietors or owners of the land of any town to meet where it shall be most convenient for them, in one or more meetings (any law, usage or custom to the contrary notwithstanding) and choose collectors to collect such tax of the proprietors or land owners of the respective towns which they are chosen for. *Provided always*, That the said collector be not empowered to sell land. And in case any part of the tax shall remain unpaid on the first day of January next, it shall be the duty of the respective collectors to sell at vendue, unimproved land in such town to the amount thereof, and a sufficiency to pay all attending charges, belonging to any such persons who have not paid their tax. *Provided*, That when undivided land is sold, which must always be the case if there is a sufficiency of such land, the persons paying their proportion shall not be curtailed, but be as fairly entitled to the proportion they pay for as they were before. And lest

injustice be done to any person by having more of his land sold than enough to amount to his rate or proportion of the tax.

SEC. 8. *Be it further enacted*, That if any person shall have more of his land sold than his proportion, he shall have a right of action and recovery against the person or persons, who are delinquents with him, either in whole or in part, for their proportion, according to their interest, of the value of the land so sold, according to the appraisal of indifferent men, at the time of such recovery.

Provided, That such action be brought within the term of one year from the sale of such land, and not after.

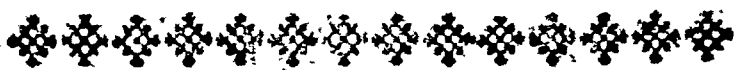
Provided always, That in case any person pays a land tax of land, supposing it to be his own, and it afterwards appears on trial to belong to another person, he shall have a right of action and recovery against the proper owner of such land, for such sum as he shall pay for such land tax.

SEC. 9. *And be it further enacted*, That the treasurer be directed to issue his warrants as soon as may be, to the sheriffs or constables, as the case may be, requiring them to collect and pay into the treasury the respective taxes contained in the aforesaid act, on or before the first day of January next, and in case any collector or collectors to whom such warrant be directed, shall neglect or refuse to settle with the treasurer, on or before the first day of April next, the treasurer be directed to issue his writ of extent against such collector or collectors, to some proper officer to serve the same.

SEC. 10. *And be it further enacted*, That any person or persons purchasing undivided lands as aforesaid, shall have a right to lay out the same on the undivided lands in such town.

SEC. 11. *And be it further enacted*, That interest be allowed on all state notes paid in for the aforesaid taxes, until the first day of January next, and no interest is to be allowed on any such notes after the said first day of January next.

Passed October 21, 1783.



An act in addition to, and explanation of an act, entitled "An act for the purpose of levying the respective taxes therein contained, and directing and regulating the mode for collecting the same."

Whereas by a resolution of this assembly, the sheriff is not liable to be called on by the treasurer, until the first day of June, Anno Domini 1784, for the payment of the said tax; and whereas sundry

persons interested in such lands, and who are not inhabitants of this state, and who have entrusted the management and payment of such tax to persons whose attentions are taken up in the present concerns of the council and assembly, and therefore cannot attend to the settlement of such taxes at present—Therefore,

SECTION I.

BE it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in general assembly met, and by the authority of the same, That Abraham Ives, Esq. sheriff of the county of Rutland, do suspend the sale of such proprietors rights of land in the county of Rutland, as was taxed by this assembly, at their session in October last, until the first day of April next.

SEC. 2. And be it further enacted, That the said sheriff do receive for his fees for collecting and cost of sales of any such lands the same species as is directed in said act to be received for the taxes on said lands, and that the whole sum or person's pay, at one time, be subject to no more cost than one shilling for the first pound, and three pence for every other pound, before it be vendued.

Passed March 8, 1784.



An act in addition to two several acts therein mentioned.

Whereas in and by an act passed at Windsor, in April 1781, entitled “An act for the purpose of emitting a sum of money and directing the redemption of the same;” and by one other act passed at Westminster in October 1783, entitled “An act for the purpose of levying the respective taxes therein contained, and directing and regulating the mode for collecting the same;” it is enacted, “that where any lands lie in common or undivided, and a part of the proprietors or owners of such common or undivided land shall pay their proportion of the tax of such common or undivided land, and the collector shall have occasion to sell land for raising the remaining part of the tax of such common or undivided lands, he shall cause to be recorded in the town clerk's office of the respective towns, the names and proportions of the persons who have paid their tax, who shall not be curtailed, but be as fairly entitled to the proportion they pay for as they were before;” and whereas no particular mode hath yet been pointed out by law, in which the past owners of common or un-

divided land paying their taxes, shall obtain their proportion of land from the other delinquent owners who occasion the sale of part of the land held in common or undivided—Which to remedy,

SECTION 1.

BE it enacted, and it is hereby enacted by the representatives of the freemen of the State of Vermont, in general assembly met, and by the authority of the same, That it shall and may be lawful for any county court of the county in which such land as aforesaid has been or shall hereafter be sold, upon application of any one or more owners of land, held in coparcenary, joint-tenancy, or in common, to nominate and appoint one or more discreet persons, who shall be sworn by any justice of the peace of the same county to the faithful discharge of their trust, to appraise the land so sold, or which may hereafter be sold for the payment of taxes, and to set off to the part owner or owners who have not been delinquent, so much of the remainder of the land so held in coparcenary, joint-tenancy or in common, as the said appraiser or appraisers shall judge to be a full recompence for the land so sold, and all necessary charges, which such part owner or owners not delinquent, shall have been at in procuring such recompence—and the certificate of such appraiser or appraisers, that he or they have set off such land to such part owner or owners, recorded in the town clerk's office, or for want thereof in the county clerk's office, or proprietors clerk's office, shall vest the title of said land so set off, in the person or persons to whom the same shall be set off, in severalty, in as full and ample a manner as a deed from the delinquent owner or owners might or could have done. And

SEC. 2. *Be it further enacted,* That the mode of setting out and surveying such common or undivided lands, as have been sold for the payment of any of the aforesaid taxes, where the same is not sold as belonging to any particular right or share, shall be that the owner of such lands, under such sale, shall cause the same to be surveyed by a sworn surveyor on any of the undivided lands in the town where such land has been or shall be sold, who shall make a true survey bill of the land so surveyed, and such survey bill being recorded in the office where the collectors deed of such land or his doings are by law recorded, shall from the time of its being received to record, be sufficient to hold such land against all surveys that shall be afterwards made of such lands.

And whereas it may be more convenient to sell so much of each delinquent proprietors right or share as will pay the proportion of such delinquent's tax and attending charges—Therefore,

SEC. 3. *Be it enacted by the authority aforesaid,* That those per-

sons who are by law appointed collectors of the land tax granted by this assembly in October last, where they can ascertain the names of the original proprietors in any town subject to said tax be, and they are hereby directed to sell so much of each original right, on which the said tax shall not be paid, beginning with the undivided, if any there be, as will raise a sum of money sufficient to pay said tax on such right, and attending charges.

Passed March 9, 1784.



An act in explanation of an act, entitled "An act for the purpose of levying the respective taxes therein contained, and directing and regulating the mode for the collecting the same," passed in October 1783.

Whereas said act has been twice published by order of the assembly, and through mistake two different modes pointed out for the redemption of lands sold at vendue, and no place pointed out where survey bills are to be lodged when land sold as aforesaid, shall be laid out—

Therefore,

SECTION 1.

BE it enacted, and it is hereby enacted by the representatives of the freemen of the State of Vermont, in general assembly met, and by the authority of the same, That the place for any proprietor or land owner to lodge the redemption money, together with cost of survey, if any be made, shall be in the same office where the deed is directed to be lodged in said act, and no proprietor or land holder shall be holden to pay for any survey as aforesaid, except said survey bill be returned into the office aforesaid, within twenty days after the publication of this act.

SEC. 2. *And be it further enacted, That when any person shall lodge a sufficient sum of money for the redemption of any land sold as aforesaid, within the time by law specified for said redemption, in the office as aforesaid, together with the cost of surveying as aforesaid, the purchaser shall be barred from holding said land by virtue of such purchase.*

Passed June 17, 1785.

An act for the regulation and establishment of town lines.

SECTION I.

BE it enacted, and it is hereby enacted by the representatives of the freemen of the State of Vermont, in general assembly met, and by the authority of the same, That all charters of lands within this state, whether granted by this state or any other government, that have heretofore claimed jurisdiction over the same, in whole or in part, be sent to the surveyor general's office for record, on or before the first day of February next ; that where the original charters cannot be obtained, attested copies will be received : and the surveyor general is directed to record all such charters, or attested copies exhibited as aforesaid, at the expence of this state.

SEC. 2. *And be it further enacted,* That all such proprietors or land owners who may neglect to send in their charters as aforesaid, be subject to such loss of property as they may sustain in consequence of the following most necessary regulations : That the surveyor general be, and he is hereby directed to proceed, as soon as may be, after the rising of the next session of this assembly, to perambulate the lines of the towns in this state, by himself or deputies ; that they begin where the respective charters begin :— And in case of the neglect of the return of any charter as aforesaid, this assembly will, on application from the surveyor general, proceed to make bounds for any such towns, where it fully appears that there has been a town legally granted ; and the surveyor general is directed to proceed on such bounds, in the same manner as though the original charters were recorded, and where there is no old line to be found, the surveyor general or his deputy is directed to make a new line, agreeable to such line as specified in such charter. And the surveyor general is further directed to lay down such partial lines on a chart in black ink, and then lay down the lines as specified in the respective charters in red ink, on the aforesaid chart, and exhibit such chart to the legislature, at their then next session, when such bounds will be established to the respective towns as may then appear eligible ; and in case any town should be infringed on by the establishment of such lines, by the neglect of not sending in their charters as aforesaid, they shall have no right of action at law or otherwise, for the recovery of their property, lost by the establishment of town lines as aforesaid, but are hereby forever debarred therefrom, and this act may be given in evidence.

SEC. 3. *And be it further enacted,* That all the towns granted by this state, and the other towns who have not improvements contiguous to their respective town lines, be surveyed by the surveyor general or his deputies, as soon as may be ; that such sur-

vey with a proper chart thereof, be returned to the legislature at their then next session, for their approbation and establishment. *Nevertheless it is hereby provided, That where other settled town lines are dependent on such lines, that then in that case, such town lines shall be perambulated in manner aforesaid.*

SEC. 4. *And be it further enacted, That the expence of the aforesaid surveys, be defrayed by the respective towns or proprietors as the assembly in future may direct.*

Passed October 22, 1782.



An act for the purpose of cutting roads in the northern part of the state.

Whereas the surveyor general is empowered and directed to ascertain all the town lines in this state, by himself or deputies. And whereas the cutting of roads in the northern part of the state, would be of great use in transporting stores for the surveying of town lines, and contribute greatly towards the settlement of the country—

Therefore,

SECTION I.

BE it enacted, and it is hereby enacted by the representatives of the freemen of the state of Vermont in general assembly met, and by the authority of the same, That the surveyor general be, and he is hereby empowered and directed to hire men, procure stores and tools, and proceed and cut out such roads as may be necessary to transport stores for the surveying of town lines, which may contribute to the speedy settlement of the country. That the surveyor general keep regular accounts of all his proceedings and expences in these matters, and exhibit the same to the governor and council for adjustment (at the time of exhibiting the accounts for surveying townships,) that the governor and council be and they are hereby empowered to adjust the accounts for cutting roads exhibited as aforesaid, in the same manner as they are by law authorized to adjust the accounts for surveying town lines; assessing the expence of cutting such roads to the several towns or proprietors in proportion to their being respectively benefitted by such roads, and when such accounts are adjusted and proportioned to the several towns as aforesaid, the same shall be added to the expences of surveying and erecting the bounds of such town and collected in the same manner.

Provided always, That in case the inhabitants or proprietors

of any town or towns shall choose to cut roads through their respective towns, and do actually do it to answer the purposes aforesaid, this act shall not be considered to affect such town or towns.

Passed March 8, 1784.



An act in addition to an act, entitled "An act for the regulation and establishment of town lines."

SECTION I.

BE it enacted, and it is hereby enacted by the representatives of the freemen of the State of Vermont, in general assembly met, and by the authority of the same, That the surveyor general and his deputies have twelve shillings per day each, that the surveyor general hire chain-men and other necessary assistants as cheap as may be by the month; that whoever may furnish the necessary subsistence to any such surveying party, be allowed a reasonable reward therefor, considering the time when furnished, transportation, &c. that when any town, or number of town lines are perambulated, or new ones erected as specified in the aforesaid act, and the return thereof made by the surveyor general to the governor and council, who are hereby authorized to receive and adjust all such accounts in equity; that is, in case of expence being made by running a random line or others to find one corner, and a number of towns are benefitted thereby, as being dependent on such corner, the extra. expence may be proportioned to the respective towns receiving advantage therefrom; and further, in case of any town or towns being inhabited, the governor and council are authorized in equity to proportion such expence against such town and propriety, making a fair record of the expence assessed against each town, or each town and propriety, or the propriety only, as the case may be. And in case the sum or sums so assessed be not paid to the surveyor general within thirty days after adjustment, in gold or silver, then on application from the surveyor general, the secretary of council is hereby authorized to give out execution against the town or propriety, as the case may be, for so much hard money, as may be then due, & in case of execution being issued against the propriety of any town, the collector shall advertise the same in the *Vermont* newspapers three weeks successively, the last time of which shall be six days before the day of sale, and the time and place of such sale shall also be specified in such advertisement, and at such time and place the

collector shall proceed to sell at public auction, so much undivided land, as to satisfy such execution and cost; and in case of the proprietors of any town or towns having divided their lands, so as not to leave a sufficiency of undivided lands to pay for perambulating or running such town lines in manner aforesaid, and such town or towns having little or no settlement in them, in such case the governor and council are hereby authorized to direct their secretary to issue his execution on application as aforesaid, to the sheriff of the county in such manner that said sheriff after advertising in manner aforesaid, shall proceed to sell at public auction, so much land allotted to each right as to pay their equal proportion of the expence of perambulating or running such town lines, with all legal cost.

SEC. 2. *And be it further enacted*, That the collectors keep fair records of all the sales by them made as aforesaid; and provided the owner of any lands so sold, pay to such collector or lodge at his office the full sum in gold or silver for which such land was sold, with twelve per cent. interest, in like money, including the expence of surveying such land, if any be made, within six months from the day of such sales, the owner of such land shall be as fully entitled to such land as though it had not been sold; and the collectors are further empowered and directed at the end of six months after such sales as aforesaid, to make and execute to the purchaser a deed of warranty thereof, signing said deed as collector, which deed being executed in due form of law, shall be to the purchaser a lawful title to such land in exclusion to all others, and this act may be given in evidence.

SEC. 3. *And be it further enacted*, That the surveyor general keep fair records of the names of all the original grantees of such lands on whose rights the whole or any part of such expence is paid to him, and transfer a copy of such records to the collectors with the execution as aforesaid, and the collectors are directed to keep like records of the names of the original proprietors, and money received, whether by redemption or before, and cause a copy of such record, together with the aforesaid like copy received from the surveyor general to be recorded in the proper office for recording deeds in such town, which shall be a sufficient indemnity from any sales as aforesaid, and the collectors shall be entitled to the same fees from the persons they receive such money of, as they are in case of levying and serving executions.

Provided always, That in case any proprietor shall at any time before the day of sale pay his proportion of said expence or any part thereof, he shall not have any more of his lands sold than to pay the arrearages due with the cost on such right, any thing in this act to the contrary notwithstanding.

SEC. 4. *And be it further enacted*, That in case any proprietor or proprietors shall pay their proportion of such cost before such

sales, or redeem their lands as aforesaid, their right or share shall not be curtailed, but the whole quantity shall be proportioned and deducted from the then next division of the rights or shares of those that are deficient in paying their proportion as aforesaid, the public rights not being chargeable for any part of such expence.

SEC. 5. *And be it further enacted,* That in case of any proportion of the expence of perambulating or running of town lines as aforesaid, being assessed in manner aforesaid, on any town, the select men of such town shall be notified thereof by a certificate from the said secretary, specifying the sum assessed on such town, when such select men are hereby authorized to make a tax in hard money on the list of such town, sufficient to pay such assessment with cost, and issue their warrant to the constable of such town to collect such tax, within twenty days, who is hereby authorized to collect the same, and in case the select men of any town do not make a tax and issue their warrant to the constable as aforesaid, within twelve days after receiving a certificate from the secretary as aforesaid, it shall then be lawful and the duty of the secretary to give out execution against the select men of such town for the full sum assessed on such town as aforesaid with cost.

SEC. 6. *And be it further enacted,* That in case any collector or collectors neglect or refuse to pay to the surveyor general the full sum specified in such execution within five days after such execution is out, and get the same endorsed satisfied by the surveyor general, and return such execution to the secretary of council, it shall be lawful and the duty of the secretary of council to give out execution against such delinquent collector, which execution shall be endorsed and returned in manner aforesaid.

SEC. 7. *And be it further enacted,* That the sheriffs in their respective counties, and first constables in their towns, are hereby declared collectors of such tax or expence as aforesaid. And lest doubt may arise on that head, it is hereby declared, that the towns are to be responsible for the ability and faithfulness of their collectors.

SEC. 8. *And be it further enacted,* That any person or persons purchasing undivided lands as aforesaid, shall have a right to lay out the same on the undivided lands in such town.

SEC. 9. *And be it further enacted,* That the expence of cutting roads in pursuance to an act, entitled "An act for the purpose of cutting roads in the northern part of this state," be exhibited by the surveyor general to the governor and council at the time of settling accounts for perambulating or running town lines as aforesaid, and that the governor and council be, and they hereby are authorized to adjust such accounts, and in equity to assess to each town their equitable proportion of such expence according to their being respectively benefitted by such roads or bridges so

cut or built, and to include such assessment against the respective towns as aforesaid, in the executions against the towns respectively as aforesaid.

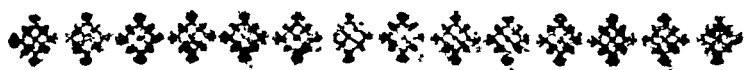
SEC. 10. *And be it further enacted*, That the surveyor general, his deputies with their attendants (in running any of the aforesaid lines) are hereby indemnified from any damages that may be made in consequence of passing through any fields or gardens that may be in their course, and in case any person or persons shall presume by force or otherwise to stop, hinder or molest either of said surveyors, or their attendants in the prosecution of their office aforesaid, such person or persons shall be accountable for all damages that may arise to the state or individuals, and be subject to such fine and cost as may be assessed by any court proper to hear and determine the same.

SEC. 11. *And be it further enacted*, That in perambulating or running town lines throughout this state, one thirtieth part be allowed for swag of chain, that proper allowance be made for the variation of the compass, and that proper allowance be also made for altitude, so as to make horizontal lines.

SEC. 12. *And be it further enacted*, That in case any person or persons shall by fences, falling timber, or otherwise fill up or make any road worse than before, that has or may be cut under the direction of the surveyor general in pursuance to an act of this state, shall pay a fine not exceeding forty shillings, together with one shilling in damages for each day any such road may be obstructed as aforesaid, to be recovered before any court proper to hear and determine the same, one moiety of which, to the person that doth prosecute the same to final judgment, and the other moiety to be laid out under the direction of the authority before whom such trial may be had to make such road or roads better.

Provided, That the surveyor general be and he is hereby directed to suspend surveying the *New Hampshire* grants which are not necessary to be surveyed in order to find the lines of the new towns until the next session of assembly.

Passed October 29, 1784.



An act directing the surveyor general in his office and duty, and repealing certain acts therein mentioned.

SECTION I.

IT is hereby enacted, by the General Assembly of the State of Vermont, That the surveyor general be, and he is hereby di-

rected, as soon as may be, to complete the survey of the town lines in the northern part of this state ; and when he shall have completed the same, to return a chart or plan of the several surveys he shall have made by order of the legislature, to the governor, council and general assembly of this state.

SEC. 2. *It is hereby further enacted,* That the surveyor general, in the execution of his office, shall have all the powers which by law are given to the several county surveyors in this state ; and if any person or persons shall by any way or means, oppose, hinder, or interrupt the surveyor general in the due execution of his office, or any person employed by or under him in said office, he or they so offending, shall be liable to the same pains and penalties as are by law to be inflicted in case of opposition to any county surveyor, in the execution of his office.

SEC. 3. *It is hereby further enacted,* That the surveyor general shall employ chain-men, and such other assistants as may be necessary, and also procure such provisions as may be necessary in prosecuting said surveys, and running town lines. For the services of which chainmen and assistants, as well as for the expence of such necessary provisions, the surveyor general shall be allowed a reasonable compensation, in the settlement of his accounts.

SEC. 4. *It is hereby further enacted,* That the surveyor general shall be allowed nine shillings per day, for all future services, in the execution of his office.

SEC. 5. *It is hereby further enacted,* That the surveyor general shall keep a separate account of the expences, which may arise in running the outlines of each particular town, by him surveyed ; and also the expences which may arise in running any line, by which any number of towns may be benefitted.

SEC. 6. *It is hereby further enacted,* That the proprietors of the several towns surveyed as aforesaid, shall be liable to pay the expences of such survey in gold or silver ; and if it shall be necessary for the surveyor general, in the execution of his office, to run any line, by which any number of towns may be benefitted, all such towns, so benefitted, shall pay their equal proportion of the expence of running such line.

SEC. 7. *It is hereby further enacted,* That an act passed the 22d of October 1782, entitled " An act for the regulation and establishment of town lines ;" and an act passed February 24th, 1783, entitled " An act in addition to an act for the regulation and establishment of town lines ;" also, an act passed the 8th day of March, 1784, entitled " An act for the purpose of cutting roads in the northern part of this state ;" also, an act passed 29th of October, 1784, entitled " An act in addition to an act, entitled " An act for the regulation and establishment of town lines," be, and they hereby are repealed. And

SEC. 8. *It is hereby further enacted,* That no survey-bill or

record of survey, of any land, surveyed and laid out by the authority of the aforesaid acts, of land sold at vendue, by direction of the aforesaid acts, shall be received in any court of record, in this state, as evidence of a title. And,

SEC. 9. *It is hereby further enacted,* That in all cases where lands have been sold, by virtue of the aforesaid acts, and the time of redemption is not already expired, any person whose lands may have been so sold, and the time of redemption is not yet expired, shall be allowed one year from the time of such sale, to pay his redemption money; and the sheriff or constable, who may have so sold such land, shall not execute any deed, until one year from the time of such sale.

Passed October 28, 1789.



An act to render more effectual several acts passed by the general assembly of this state, to enable the towns or persons in said acts respectively named, to levy and collect certain specified taxes on each acre of land mentioned and described in said acts.

Whereas sundry acts have been passed by the general assembly into laws of this state, empowering certain persons or towns, named in such acts respectively, to levy and collect certain specified sums of money on each acre of land in such acts respectively described, and enabling such town or persons by themselves or their collector, to sell lands at vendue for the discharge of said taxes, in case such taxes are not previously paid: and whereas it is matter of doubt whether such acts are sufficiently explicit—

Therefore,

SECTION I.

BE it enacted, and it is hereby enacted by the representatives of the freemen of the State of Vermont, in general assembly met, and by the authority of the same, That in each and every case, wherein it shall be lawful for any collector to sell any lands at public vendue for the discharge of such taxes, it shall and is hereby declared to be lawful for such collector to sell off from each original lot as recorded on the proprietor's book of records of the lands whereon such tax is laid, so much of such lot situate at the option of such collector as shall be sufficient to discharge the whole tax to him committed to collect on such lot, without any regard

to any subdivisions of such lot, which may have been made, and without any regard to the number of owners in whom the property of such lot may be vested. And,

SEC. 2. *It is hereby further enacted,* That any person whose lands shall be sold by virtue of any of the acts before described, for the payment of taxes laid on the lands of any other person, shall have the same remedy as is provided by the laws of this state, relative to vendue sales of undivided lands.

Provided always, That whenever the collector of any of the taxes aforesaid, shall be satisfied that any particular part of any original lot is held in severalty from the other part, it shall be lawful for him to sell so much from such parts respectively as to satisfy their several parts of the tax laid on the whole lot.

SEC. 3. *And be it further enacted,* That every person whose land shall be taxed by virtue of either of the acts aforesaid shall have the privilege of paying such tax in labor on the roads, bridges, &c. in common with the inhabitants of the town wherein the land taxed lies.

Passed March 26, 1785.



An act regulating the disposition of the monies raised by tax on lands in the several towns, for the purpose of making roads, building bridges, &c.

Whereas it is found, that the monies raised by taxing the lands for the purpose of clearing and mending roads in the several towns, has not been so prudently expended as might be : and whereas, it is enacted, that any land holder having his land taxed, shall have the privilege of paying his tax in labor on said roads, yet the collectors have heretofore given so short notice, that no person unless those in the town where such tax is raised, could be benefited thereby—Therefore,

SECTION I.

BE it enacted by the General Assembly of the State of Vermont, That in future the collectors of taxes laid on lands for making and mending roads (by grant of the assembly) shall publish the same in the *Vermont Gazette*, and *Journal*, at least three months before the sale of said land, and in the mean time there shall be a committee appointed, whose duty it shall be to superintend and see the work done ; and if any person shall appear to pay his tax by labor, at any time before the day of sale, sufficient

to pay his tax, the said committee shall set him to work on said roads, who shall have the privilege of working on such roads or bridges, until he has paid his tax, and his land shall not be sold at vendue.

And to prevent disputes about the price of labor,

SEC. 2. *Be it enacted by the authority aforesaid, That the price for labor shall be four shillings per day, the person boarding himself, in that season of the year from the first of May till the first of October, and any other season three shillings per day.*

Passed March 8, 1787.



An act in addition to an act, entitled "An act regulating the disposition of monies raised by tax on lands in the several towns for the purpose of making roads, &c.

SECTION II.

IT is hereby enacted by the General Assembly of the State of Vermont, That all lands within this state that are liable to the payment of taxes for the making and mending roads, by grant of the assembly, shall not be exposed to sale for the payment of such tax, until a fair and correct account of the work or labor that may have been done on such roads, under the direction of the committee authorized in said act to superintend and direct the same, shall have been made out by the said committee, and presented to the judges of the county court in the said county where the lands are situate, and approved by them at one of their stated or adjourned terms; which account shall be filed, when approved, and lodged in the county clerk's office.

SEC. 2. *It is hereby further enacted by the authority aforesaid, That no article of account shall be allowed by the judges of said court, having cognizance as aforesaid, unless they shall be satisfied by the oath of one or more of the committee appointed to superintend the work or labor, that the said work or labor was faithfully done and performed on the public roads that have been laid out according to law, or under the direction of the committee.*

SEC. 3. *It is hereby further enacted, by the authority aforesaid, That the committee appointed to superintend the labor to be done as aforesaid, on highways, shall notify to the proprietors and land owners of said town, when they the said committee will*

attend to superintend said work, by publishing the same in both the newspapers of this state, three weeks successively, at least three months before the time assigned to complete such work or labor, to be computed from the last day of such advertisement.

SEC. 4. *It is hereby further enacted, by the authority aforesaid, That the committee aforesaid shall not be obliged to receive labor in payment of any tax as aforesaid, unless said labor be done in the term of time advertised by the committee as aforesaid; any act or law of this state to the contrary notwithstanding.*

Provided nevertheless, That this act shall not extend to any tax granted previous to this session of the legislature.

Passed October 24, 1788.



An act directing the payment of thirty thousand dollars to the state of New York, and declaring what shall be the boundary line between the state of Vermont and the state of New York, and declaring certain grants therein mentioned, extinguished.

Whereas Robert Yates, John Lansing, jun. Gulian Verplank, Simeon De Witt, Egbert Benson, and Melancton Smith, Esqrs. commissioners, appointed by an act of the legislature of the state of New-York, entitled, "An act appointing commissioners, with power to declare the consent of the legislature of the state of New-York, that a certain territory within the jurisdiction thereof, should be formed into a new state—passed the fifth day of March, A. D. 1790—did, by their certain act on the seventh day of October instant, at New-York, by virtue of the powers to them granted for the purpose, among other things, declare the consent of the legislature of the state of New-York, that the state of Vermont be admitted into the union of the United States of America; and that immediately from such admission, all claims of jurisdiction of the state of New-York, within the state of Vermont, should cease, and thenceforth the perpetual boundary line between the state of New-York, and state of Vermont, should be as follows, viz.—Beginning at the north-west corner of the state of Massachusetts—thence westward along the south boundary of Pownal, to the south-west corner thereof—thence northerly, along the western boundaries of the townships of Pownal, Bennington, Shaftsbury, Arlington, Sandgate, Rupert, Pawlet, Wells, and Poultney, as the said townships are now held and possessed, to the river commonly called Poultney river—thence down the same, through the middle of the deepest channel thereof, to East bay

—thence through the middle of the deepest channel of East-bay, and the waters thereof, to where the same communicates with Lake Champlain—thence through the middle of the deepest channel of Lake Champlain, to the eastward of the islands called the Four Brothers, and the westward of the islands called the Grand Isle and Long Isle, or the Two Heroes, and to the westward of the Isle-la-Mott, to the forty fifth degree of north latitude. And the said commissioners, by virtue of the powers to them granted, did declare the will of the legislature of the state of New York, that if the legislature of the state of Vermont should, on or before the first day of January, one thousand seven hundred and ninety two, declare, that on or before the first day of June, one thousand seven hundred and ninety four, the said state of Vermont would pay the state of New York the sum of thirty thousand dollars, that immediately from such declaration by the legislature of the state of Vermont, all rights and titles to lands within the state of Vermont, under grants from the government of the late colony of New York, or from the state of New York (except as is therein excepted) should cease—

Wherefore,

SECTION I.

IT is hereby enacted by the General Assembly of the State of Vermont, That the state of Vermont shall, on or before the first day of June, one thousand seven hundred and ninety four, pay the state of New York thirty thousand dollars. And the treasurer of this state, for and in behalf of this state, and for the purposes mentioned in the act of the commissioners aforesaid, shall pay to the state of New York, the sum of thirty thousand dollars, on or before the first day of June, 1794.

SEC. 2. It is hereby further enacted, That the said line described in the said act of the said commissioners, shall henceforth be the perpetual boundary line between the state of Vermont and the state of New York; and all grants, charters, or patents of land, lying within the state of Vermont, made by, or under the government of the late colony of New York, except such grants, charters or patents as were made in confirmation of grants, charters or patents made by, or under the government of the late province or colony of New Hampshire, are hereby declared null and void, and incapable of being given in evidence in any court of law within this state.

Passed October 28, 1789.

An act for the purpose of raising thirty thousand dollars.

Whereas this state, in consequence of a treaty entered into by commissioners appointed by the state of New York and by this state, are obligated to pay unto the said state of New York the sum of thirty thousand dollars, agreeable to the ratification of the said treaty, by the legislature of this state, at their session in October, A. D. 1791, and for the consideration therein mentioned :

For the payment of which,

SECTION I.

I*T is hereby enacted by the General Assembly of the State of Vermont,*
That there be and hereby is granted a tax of one half penny on each acre of land within this state (except land sequestered for public, pious or charitable uses, and still remaining to such uses) to be collected and paid into the treasury of this state, on or before the first day of January, 1794. And the treasurer of this state is hereby directed, between the first day of October and the first day of November in the year 1792, to issue his warrant to the first constable of each organized town in this state, to collect the said tax in their towns respectively ; upon the receipt of which, the said constables shall give notice to the select men of their respective towns, who shall on or before the first day of March, 1793, make out and deliver to such constable a rate bill, containing a list of all the lands in such town, held in severalty, and the number of acres contained in each lot, and the range in which it lies, or the division to which it was drawn or pitched, and the tax to be paid upon the same ; and where there are undivided lands in such town, the said select men shall under their oath of office, make an estimate of the quantity of land so undivided, to the best of their judgment ; which, together with all other land in such towns, they shall form into one general list, and return an attested copy thereof, on or before the first day of November, then next following, to the treasurer of the state ; and the said select men shall assess each land holder or proprietor, for the quantity which they respectively own, both divided and undivided, in one sum annexed to their names respectively ; and when any land owner or proprietor shall pay his proportion of said tax, it shall be the duty of said constable to make an endorsement on his rate bill, of the name of the person so paying the tax, and their lands shall thereupon be discharged therefrom ; and if the sum assessed shall not be paid on or before the first day of September, 1793, such constable shall give notice, by advertisements in all the newspapers printed in this state, and inserted six weeks successively, of the said tax, the sum

assessed to each person, and the place where the same will be received ; and in case of delinquency, the place where and time when the same will be sold, the last day of which notice, shall be at least twenty days before such constable shall proceed to make sale of the lands, as is after directed : and the said constables are hereby empowered and directed at any time after the expiration of twenty days from the last day of such notice, to sell so much of each delinquent's land, as shall be sufficient to pay said tax and costs, at public vendue ; and shall execute to the purchaser, a deed of the land by him purchased, which shall vest in him, his heirs and assigns forever, a good title thereto in fee simple.

SEC. 2. *And it is hereby further enacted, by the authority aforesaid,* That it shall be the duty of the treasurer of this state, to issue his warrants to the sheriffs of the respective counties, within the same, four months at least before the said first day of March, 1793, to collect the said tax upon all towns or gores of appropriated lands, wherein there shall be no constable ; upon the receipt of which, the said sheriffs shall apply to the secretary of state, or of the council, for a list of the proprietors in each of such towns or gores, whose duty it shall be to forward the same to them as soon as may be ; and upon receiving the same the said sheriffs shall assess the said tax upon the lands, in such towns and gores, and proceed to notify the land owners and proprietors of such towns and gores of land, in the same manner as the constables by this act are directed to pursue, in the advertising and sale of the lands of such person as shall be delinquent in the payment of said tax and costs, and in conveying the same by deed.

Provided always, That the said select men and sheriffs in assessing the said tax upon the towns and gores of land aforesaid, shall allow out of each proprietor's or land owner's part therein, five acres out of every hundred acres for high ways.

SEC. 3. *And it is hereby further enacted, by the authority aforesaid,* That it shall be the duty of the surveyor general, upon application from the sheriffs for that purpose, to furnish them, as soon as may be after such application, the quantity of land in each town and gore applied for to enable him equitably to assess the said tax. And when the same is assessed, they shall return attested copies of such assessment, to the treasurer of this state, on or before the said first day of September, 1793.

SEC. 4. *And it is hereby further enacted, by the authority aforesaid,* That it shall and may be lawful for the owner or proprietor of any land, which shall be sold as aforesaid, or for any other person on their behalf, to pay or tender to the constable or sheriff, within twelve months from the day of such sale, the tax of such land owner or proprietor, and the proportion of the costs and expences arising from such (including the proportion of twelve shillings to

each constable, and three shillings to each sheriff, for every town or gore of land by them advertised, and of the printer's bill for inserting the same, which the said constables and sheriffs shall justly and equitably proportion and assess) together with twelve per cent. per annum interest, upon the amount thereof, to redeem the same from such sale. And upon the payment so made, or tendered to be made, the said constables and sheriffs shall not make any deed or deeds to the purchaser or purchasers, and the said sheriffs and constables shall pay to such purchaser or purchasers, all monies from them received for such sale, together with twelve per cent. interest, as aforesaid, to the time such payment or tender was made.

SEC. 5. *And it is hereby further enacted, by the authority aforesaid, That each sheriff or constable shall demand and take, for every lot or right of land sold at vendue, one shilling, and for every deed made to a purchaser at such vendue and duly executed and acknowledged, one shilling and six pence; and no deed shall be made, or any demand made of payment for the same until the time for the redemption of the land so sold, shall be fully expired, and if any sheriff or constable shall neglect or refuse to collect and pay said tax into the treasury of this state, on or before the first day of January, 1794, the treasurer is hereby authorized and directed to issue his extent against such delinquent collector for the same.*

Passed November 3, 1791.



An act in addition to an act for raising thirty thousand dollars.

Whereas it is the case, in some towns in this state, the proprietors' clerks refuse to give over the proprietors' books and records to their successors in office, and access to them cannot be had, which renders it impracticable for the select men of such towns to comply with the duties required of them in said act—Therefore,

SECTION I.

IT is hereby enacted by the General Assembly of the State of Vermont, That the former proprietors' clerks in case of refusal or neglecting to deliver over to their successors in office, all the books, papers and records, belonging to said proprietors, or to the town clerk of such town, within one month from the rising of this assembly, such former clerk, so refusing or neglecting, it shall be, and it is hereby made the duty of such clerk to perform and do all the duties as are required of the select men of such town, by said act.

SEC. 2. *And it is hereby further enacted, by the authority aforesaid, That the clerk or clerks who shall withhold the records, files or papers as aforesaid, shall be subject and liable to pay the taxes in said towns, to be recovered by virtue of this act, before any court proper to try the same.*

Passed November 8, 1792.



An act in addition to an act for raising thirty thousand dollars.

Whereas the treasurer of this state is by said act directed to issue his warrants to the first constables of each organized town in this state, to collect the tax therein specified in their respective towns; and whereas there may arise disputes concerning the organization of some towns:—Therefore,

SECTION I.

IT is hereby enacted by the general assembly of the state of Vermont, That the treasurer of this state, shall issue his warrant, as directed in the aforesaid act, to the first constable of each of the following towns, viz. Bennington, Pownal, Stamford, Woodford, Shaftsbury, Arlington, Sunderland, Manchester, Sandgate, Dorset, and Rupert, in the county of Bennington. Pawlet, Danby, Harwich, Wallingford, Tinmouth, Wells, Poultney, Ira, Clarendon, Shrewsbury, Rutland, Castleton, Fairhaven, Orwell, Benson, Hubbardton, Pittsford, Sudbury, Chittenden, and Brandon, in the county of Rutland. Shoreham, Bridport, Addison, Panton, Ferrisburgh, Vergennes, Monkton, Bristol, New Haven, Middlebury, Salisbury, Leicester, Whiting, Cornwall, Weybridge, Kingston, and Hancock, in the county of Addison. Hinsdale, Brattleborough, Dummerston, Putney, Westminster, Rockingham, Toinlinson, Athens, Townshend, New Fane, Marlborough, Guilford, Halifax, Whitingham, Wilmington, Wardsborough, south district, Wardsborough, north district, Jamaica, Londonderry, and Stratton, in the county of Windham. Norwich, Hartford, Hartland, Windsor, Weathersfield, Springfield, Chester, Cavendish, Reading, Woodstock, Pomfret, Sharon, Royalton, Barnard, Bridgewater, Saltash, Ludlow, Andover, Bethel, Stockbridge, and Rochester, in the county of Windsor. Newbury, Ryegate, Barnet, Lunenburg, Guildhall, Maidstone, St. Johnsbury, Lyndon, Danville, including Walden Gore, Peacham, Cabot, Greensborough, Montpelier, Bradford, Corinth, Vershire, Fairlee, Thetford, Strafford, Tanbridge, Randolph, Brookfield, Braintree, Williamstown, Chelsea, Berlin, and Topsham, in the county of Or

ange. And Williston, Burlington, South Hero, Jericho, North Hero, New Huntington, Hungerford, Bolton, Waterbury, Isle Mott, Fairfax, Shelburne, Georgia, Milton, Smithfield, Fairfield, Cambridge, Middlesex, Charlotte, Hinesburgh, Alburgh, St. Albans, Essex, Craftsbury, Colchester, Duxbury, Highgate, Swanton, Johnson, Wolcott, Elmore, Fletcher, and Hydespark, in the county of Chittenden.

SEC. 2. And it is hereby further enacted by the authority aforesaid, That the said treasurer direct his warrants to the sheriffs of the several counties within this state, to collect the aforesaid tax on all the lands in the other towns and gores lying in their respective counties.

And whereas there is no mode pointed out in the act aforesaid, for the distribution of said warrants :

SEC. 3. It is further enacted by the authority aforesaid, That the treasurer shall deliver to the sheriffs of the several counties the warrants to be directed to the constables of the several towns aforesaid, to be by them respectively distributed and delivered. And it shall be the duty of the several sheriffs, upon delivery of the warrants aforesaid, to take the constable's receipt therefor, and thereupon to transmit and deliver the same to the treasurer.

And whereas the township of Gothen, and some others, are divided by the lines of the counties, and lie partly in one county and partly in another :

SEC. 4. It is further enacted by the authority aforesaid, That the treasurer may issue his warrant to the sheriff of the county, in which a part of any such town shall lie ; on receipt of which warrant, the sheriff shall collect the tax on the whole of such town, and proceed in his duty therein, in all respects, in the same manner as though the whole of said town lay within the county of which he is sheriff.

Passed November 8, 1792.



An act in alteration of, and in addition to an act, entitled "An act for the purpose of raising thirty thousand dollars."

Whereas the mode of advertising the lands for sale, is difficult, and extremely expensive, as prescribed in said act :

Therefore,

SECTION 1.

IT is hereby enacted, by the General Assembly of the State of Vermont, That the collectors of the several towns, who by the said act may have occasion to advertise lands for sale, shall publish an advertisement, as nearly as may be in the words following, to wit :

“ The proprietors and land owners of the township of _____ are hereby warned and notified, that unless they pay the tax of one half penny on the acre, granted by the legislature at their session in October, 1791, to me the subscriber, on or before the _____ day of _____ next, that so much of their lands as will pay said tax and cost, will be sold at public vendue, at the house of _____ in said town of _____ at _____ o'clock, to the highest bidder.”

[The date.]

“

Collector.”

Which blanks shall be filled with the name of the town which is advertised, the day of the month and year, on which the lands will be sold, the place where, and the time of day when the sale shall begin ; and shall be signed with the name of the collector. Which advertisement shall be inserted three weeks successively in the several Vermont newspapers, which are printed at Windsor, Bennington and Rutland, viz. The Vermont Journal, Vermont Gazette, and Farmers' Library; the last time of which publication, shall be at least thirty days before the time of sale.

SEC. 2. And it is hereby further enacted, That the several sheriffs who may have warrants from the treasurer to collect said tax on unorganized towns and gores of land, shall advertise the same in the same manner that the several collectors are herein before directed to advertise, excepting that it shall be sufficient for said sheriffs to mention in their advertisements, the names of the several towns and gores of land which they may have warrants against, naming the place of sale in any town within the county where the land lies.

SEC. 3. And it is hereby further enacted, That it shall be sufficient for the select men to return to the treasurer the number of acres of land in their respective towns, which by the said act ought to be assessed, any thing in said act to the contrary notwithstanding.

SEC. 4. And it is hereby further enacted, That whenever it shall happen that the select men have not assessed said tax on any town, it shall be the duty of the present select men to assess the same, and to deliver such assessment to the collector to whom the treat-

urer's warrant is directed ; who is hereby empowered to collect the said tax in the same manner as if the tax had been assessed at the time prescribed in said act.

Provided, That where the said collector is dead or removed from any such town, the select men of said town are directed to deliver said warrant, with said assessment, to the first constable of the town for the present year ; who is hereby empowered to collect the same, in the same manner as is before directed in said act. And in such case the select men shall return to the treasurer, on or before the first day of March next, the name of the person to whom they shall deliver said warrant and assessment.

SEC. 5. *And it is hereby further enacted*, That the several collectors who have advertised the lands under the said act, shall again advertise the same in manner and form provided in this act ; and the expence of the former advertisement shall be paid by the proprietors and land owners, in cases where the advertisement was in fact published before the passing of this act.

SEC. 6. *And it is hereby further enacted*, That the several sheriffs and collectors shall be allowed two pounds on every hundred pounds by them collected, and so in proportion for any greater or less sum ; and the time of payment of the money into the treasury, collected by said tax, shall be, and hereby is prolonged to the first day of April next.

SEC. 7. *And it is hereby further enacted*, That when it shall so happen that the names of the original grantees in any town, are not recorded in any proper office in this state, it shall be the duty of the secretary of the council, for the time being, at the expence of this state, to send to the proper office where the record of such grant was originally made, and obtain a copy of the original grant, and the names of the respective grantees. And it shall be the duty of said secretary, on application, to send to the sheriffs or collectors, the quantity of land contained in each of such towns, with the names of the grantees.

Passed October 21, 1793.



An act authorizing proprietors clerks to record deeds.

Whereas there are sundry towns not sufficiently settled to have town clerks in such towns, and there being an inconvenience in having deeds recorded in the county register's office, on account of transferring such records into such towns—

Therefore,

SECTION 1.

BE it enacted, and it is hereby enacted by the representatives of the freemen of the state of Vermont in general assembly met, and by the authority of the same, That any proprietors clerks that have been, or may hereafter be elected and duly qualified in the said office of proprietors clerk, are hereby declared legal officers for receiving and recording deeds of land lying in such town, and that they receive the same fees, and keep their office in the same manner as town clerks are by law authorized to do. That when such town is so far settled as to have a town clerk appointed and duly qualified as the law directs, said proprietors clerk shall deliver over his book of records of deeds to such town clerk; and such town clerks are directed to receive such book of records as the first book of records for deeds in such town.

Provided, That such proprietors clerk's office be kept in this state.

Passed February 26, 1783.



An act assessing a tax of one cent on each acre of land in this state, for the support of government, during the year one thousand seven hundred and ninety seven, and for other purposes.

SECTION 1.

IT is hereby enacted by the General Assembly of the State of Vermont, That there be and hereby is assessed a tax of one cent on each acre of land within this state (excepting lands sequestered to public, pious or charitable uses) to be collected and paid in to the treasury of this state, on or before the first day of June, in the year of our Lord one thousand seven hundred and ninety eight, in specie, hard money orders, or orders issued by the judges or clerks of the supreme court of judicature.

SEC. 2. *And it is hereby further enacted,* That the surveyor general of this state be, and he hereby is directed, under his oath of office, to ascertain and return to the treasurer of this state, a statement of the quantity of land actually contained in each town or gore of land within this state, agreeably to their original grants or charters, on or before the first day of January next.

SEC. 3. *And it is hereby further enacted,* That the treasurer of this state be, and he is hereby directed, between the first day of

January, and the first day of February next, to issue his warrants to the first constables of each and every of the towns herein after enumerated, directing and requiring the said first constables respectively, to collect the said tax on their respective towns, agreeably to the aforesaid return of the surveyor general. The names of which towns are as follows, to wit:

In Bennington County,

Stamford, Pownal, Bennington, Reedsborough, Woodford, Shaftsbury, Arlington, Sandgate, Sunderland, Manchester, Dorset, Rupert, and Winhall.

In Windham County,

Hinsdale, Guilford, Brattleborough, Dummerston, Putney, Westminster, Rockingham, Grafton, Athens, Townshend, New Fane, Marlborough, Halifax, Whitingham, Wilmington, Wardsborough, north district, Wardsborough, south district, Jamaica, Londonderry, Somerset, and Stratton.

In Rutland County,

Orwell, Benson, Fairhaven, Poultney, Wells, Pawlet, Danby, Harwich, Mountholly (formerly Jackson's Gore) Shrewsbury, Clarendon, Tinmouth, Ira, Castleton, Hubbardton, Pittsford, Rutland, Killington, Brandon, Pittsfield, Sudbury, and Wallingford.

In Windsor County,

Andover, Bridgewater, Barnard, Bethel, Chester, Cavendish, Hartford, Hartland, Ludlow, Norwich, Pomfret, Reading, Rochester, Royalton, Stockbridge, Springfield, Plymouth, (late Saltash) Sharon, Windsor, Woodstock and Weathersfield.

In Addison County,

Middlebury, Salisbury, Leicester, Whiting, Cornwall, Weybridge, Shoreham, Bridport, Addison, Panton, Ferrisburgh, Monkton, New Haven, Bristol, Starksborough, Hancock, and Kingston.

In Orange County,

Braintree, Bradford, Brookfield, Barre, Berlin, Thetford, Strafford, Tunbridge, Randolph, Fairlee, Vershire, Chelsea, Roxbury, Corinth, Washington, Williamstown, Northfield, Newbury, Topsfield, and Orange.

In Chittenden County,

Burlington, Shelburne, Charlotte, Hinesburgh, Williston, Huntington (late New Huntington) Duxbury, Moretown, Waitsfield, Colchester, Essex, Jericho, Bolton, Waterbury, Middlesex, Milton, Westford, Underhill, South Hero, and Stowe.

In Caledonia County,

Ryegate, Barnet, Peacham, Danville (and that part of Danville known by the name of Walden Gore) Waterford (late Littleton) Groton, St. Johnsbury, Lyndon, Billymead, Hardwick, Walden, Cabot, Montpelier, Calais, Sheffield, Concord, Lunenburg, Guildhall, Maidstone, Brunswick, Greensborough, Craftsbury, Derby, Plainfield, (late St. Andrew's Gore) and Canaan.

In Franklin County,

Georgia, St. Albans, Swanton, Highgate, Huntsburgh, Berkshire, Sheldon, Fairfield, Fairfax, Cambridge, Johnson, Hydespark, Wolsott, Elmore, North Hero, Alburgh, Isle of Mott, and Fletcher.

SEC. 4. *And it is hereby further enacted,* That each and every of the first constables of the aforesaid towns, shall within ten days next after the receipt of the above mentioned warrants, apply to the select men of their respective towns, who shall within ten days after such application to them made as aforesaid, make out and deliver to such constable, a rate bill containing a list of all the lands in such town, held in severalty (agreeably to the actual limits of their respective grants or charters) and the number of acres contained in each lot, and the division to which it was drawn or pitched, and the tax to be paid thereon, except in cases where they cannot ascertain the original proprietor or division, in those cases, it shall be set in the bill to the present owner. And where there are undivided lands in such town, the said select men shall make out an estimate of the quantity of such undivided lands, to the best of their judgment, and insert the same in said rate bill, agreeably to the true intent and meaning of this act.

SEC. 5. *And it is hereby further enacted,* That when any original proprietor or land owner shall pay his proportion of said tax, or any part thereof, it shall be the duty of said constable to make an endorsement on his rate bill, of the name of the person paying the same, and receipt the same if required; and all lands on which the tax aforesaid shall be so paid, shall be thereupon discharged from said tax.

SEC. 6. *And it is hereby further enacted,* That if the sums so assessed as aforesaid, or any part thereof shall remain unpaid, on the first day of April, in the year one thousand seven hundred and ninety eight; such constable shall give notice by posting up an advertisement, at the accustomed place or places of advertising freemen's meetings in their respective towns, of the tenor following, to wit:

“THE proprietors and land owners of the town of
are hereby notified and warned, that unless they pay the tax of one cent
on each acre of land granted by the legislature of this state, at their
October session in Windsor, A. D. one thousand seven hundred and
ninety seven, to me, the subscriber, on or before the day of
next, that so much of their lands as will pay said tax
and cost, will be sold at public vendue, at in said town
of at o'clock, noon, to the highest
bidder.

Dated at, &c.

Collector.”

Which said advertisement shall be posted up as aforesaid, three weeks before the time therein appointed for the sale of the lands.

therein mentioned ; and the time so to be appointed and mentioned in said advertisement, shall be on some day between the first day of May and the last day of July, in the year one thousand seven hundred and ninety eight. And the said first constables are hereby authorized and directed, in pursuance of said advertisement, to proceed to sell at public vendue, so much of each delinquent's land, as will pay said tax, and the costs thereon arising, and deed the same to the purchaser, as is herein after directed.

SEC. 7. *And it is hereby further enacted,* That the treasurer of this state be, and he is hereby directed to issue his warrants to the sheriffs of the several counties in this state, on or before the first day of February, one thousand seven hundred and ninety eight, authorizing and directing them to collect the said tax on all the lands in the several towns or gores, in their respective counties, not herein before mentioned and named, upon the receipt of which warrants, the said sheriffs shall immediately apply to the secretary of this state or the secretary of the governor and council, for a list of the names of the proprietors in each of such towns or gores, whose duty it shall be to forward the same to the said sheriffs respectively, as soon as may be—and on receiving the same, the said sheriffs shall assess said tax upon the lands in such towns and gores. And upon default of the said tax being paid, as is herein before directed, shall proceed to notify the proprietors and land owners of such towns and gores respectively, by publishing an advertisement, in which shall be specified the names of all the several towns and gores of land upon which the tax has not been paid, of the tenor herein before directed for a constable, three weeks successively, in the newspapers printed in *Bennington, Rutland and Windsor*—the day of the last publication of which, shall be at least ten days before the day therein appointed for the sale of said lands.

SEC. 8. *And it is hereby further enacted,* That the said sheriff shall, in pursuance of such advertisement, proceed to sell at public vendue, so much of such delinquent's lands as shall pay said tax and cost, and shall deed the same as is herein after directed.

Provided always, That the select men and sheriffs in assessing the said tax, shall allow for high ways out of each proprietor or land owner's share or lot, in the proportion of five acres to each hundred acres.

SEC. 9. *And it is hereby further enacted,* That if any person or persons shall, within twelve months from and after the day of such sale, pay or tender to the said collector, such tax, together with the costs of such sale, and interest upon the same, at the rate of twelve per cent. per annum, his, her or their lands shall thereupon be discharged and redeemed from such sale. And the said collector or collectors in such case or cases, shall pay

over to the purchaser or purchasers of such lands, the monies so by him or them received, for the redemption thereof as aforesaid. And all redemptions shall be made before the setting of the sun, on the day on which the lands are made redeemable.

SEC. 10. *And it is hereby further enacted,* That if such lands, so sold as aforesaid, shall not be redeemed and discharged from said tax, within one year from and after the day of sale thereon, the said collector or collectors, shall execute and deliver to the purchaser or purchasers, a deed or deeds of the lands so by him, her or them purchased as aforesaid, conveying the same to the purchaser, in fee simple—which deed being acknowledged and recorded, shall vest in the purchaser, his heirs and assigns forever, a good title thereto.

SEC. 11. *And it is hereby further enacted,* That the sheriff of Addison county be, and he is hereby declared to be the collector of the tax aforesaid, on that tract of land called *Gospen Gore*, lying and being in the county of *Caledonia*.

SEC. 12. *And it is hereby further enacted,* That the sheriff of Franklin county be, and he is hereby declared to be the collector of the tax aforesaid, on the tracts of land in said county, heretofore known by the name of *Smithfield* and *Knoulton's Gores*, agreeably to the original charter thereof.

SEC. 13. *And it is hereby further enacted,* That the first constable of *New Haven* be, and he is hereby declared to be the collector of the tax aforesaid, on the tract of land called *New Haven Gore*, in said county of *Addison*.

SEC. 14. *And it is hereby further enacted,* That the sheriffs aforesaid, shall have a right to ask and receive, each, for their said services, the following fees, to wit. For trouble and postage, for inserting the said advertisement in the three newspapers aforesaid, agreeably to the directions aforesaid, four dollars, in addition to the sum paid the printers, for inserting said advertisement; and also two dollars to constables for their services and trouble, in advertising the same in their respective towns, as is herein before directed, to be apportioned by said sheriffs and constables respectively, upon such lands as shall be delinquent in the payment of said tax. And also such collectors shall have right to ask and receive, for every right or lot of land sold at vendue, seventeen cents; and for every deed duly executed and acknowledged to the purchaser of such vendue lands, thirty four cents. And no deed shall be executed of the lands so sold, as is herein before directed, until the time for the redemption of the same be fully expired.

SEC. 15. *And it is hereby further enacted,* That if any of the collectors aforesaid, shall neglect or refuse to collect and pay said tax into the treasury of this state, on or before the first day of August, A. D. one thousand seven hundred and ninety eight,

the said treasurer is hereby authorized and directed to issue his extents against such delinquent collector or collectors, for the collection of the same in due form of law.

SEC. 16. *And it is hereby further enacted,* That the constables and select men of the several towns within this state be, and they are hereby fully authorized and empowered to proceed, in all things in the assessing and collecting of said tax, within the actual limits of their original grants or charters, whether the same be within the limits of their respective towns, or within the limits of any other town, established by act of this legislature, any law, usage or custom to the contrary notwithstanding.

SEC. 17. *And it is hereby further enacted,* That if any possessor or land owner, in any town in this state, shall be unable, through the insufficiency of the records, or otherwise, to show what original right he holds under, it shall be the duty of such possessor, or land owner, to make out a survey of his land, with metes and bounds, certifying the number of acres, and present the same to the said collector, together with the tax and cost, if any ; and it is hereby made the duty of the said collector, to receive said tax, and give a receipt, declaring that he has received the tax on such land, meted and bounded as aforesaid ; and said land shall not pass by any sale made by said collector, any thing in this act to the contrary notwithstanding.

SEC. 18. *And it is hereby further enacted,* That the select men in any organized town, shall have power to grant bills of abatement, in the following cases, to wit : when it shall appear to them that the collector is made accountable for the collection of the said tax, on any quantity of lands, which may be cut off from such town, by the interference of grants, and also such part of a town as may be covered by natural ponds or lakes, and shall also certify the quantity of land contained in the public rights, in their respective towns ; which certificate shall be in the form following, as the case may require, viz.

"These certify, that the lands sequestered for public, pious or charitable uses, in the town of _____ in the county of _____ amount in the whole to _____ acres ; and (if the case or cases shall so be) that by the interference of the charter of the town of _____ and the town of _____ there is cut off _____ acres of land, from the said town of _____ and that there is covered by natural ponds or lakes contained within the limits of the charter of said town of _____ (here insert the names of such waters) to the amount of _____ acres, amounting in the whole to _____ acres, which at one cent per acre, is _____ dollars, _____ cents, which sum we do hereby abate, to _____ first constable of said town, on a state land tax of one cent on the acre, assessed by the legislature of this state,

at their October session, A. D. one thousand seven hundred and ninety seven.

Dated at

179 .

Attest,

} Select men of
} said town of

Which said bills of abatement, signed by two or more select men, and presented to the treasurer of this state, by such constable, shall, by the said treasurer, be placed to the credit of such constables, on said tax. And said treasurer shall also place to the credit of all the collectors, contemplated and authorized by this act, such sum respectively as the five acres to the hundred, herein before allowed, as a deduction for high ways will amount to, on the quantities of their warrants respectively, after a deduction on said warrants of the quantity of land contained in the aforesaid bills of abatement, respectively.

SEC. 19. *And it is hereby further enacted*, That all vendues for sales of lands, under this act, shall be between the hours of nine o'clock in the morning, and the setting of the sun of the same day or days, on which the same may be holden, and every sale which shall not be made within the period of the day or days above described, is hereby declared null and void.

SEC. 20. *And it is hereby further enacted*, That the several collectors aforesaid, shall, within thirty days next after the ending of such vendues, for the sale of lands as aforesaid, lodge a true and attested copy of such sales, together with their advertisements thereof, with the several town or county clerks, as the case may be, whose duty it shall be to record the same, at the expence of such collectors.

SEC. 21. *And it is hereby further enacted*, That the secretary of this state be, and he is hereby directed, immediately after the rising of this assembly, to publish this act in all the public newspapers printed within this state, at least six weeks successively.

Passed November 10, 1797.



An act granting to *William Page, Lewis R. Morris*, and their associates, their heirs and assigns forever, the exclusive privilege of locking *Bellows' Falls*.

Whereas William Page, Esq. of Charleston, in the county of Cheshire, and state of New Hampshire, and Lewis R. Morris, Esq. of Springfield, in the county of Windsor, have petitioned for the exclusive privilege of locking, and continuing locks on or by Bellows'

Falls, so called, in Connecticut River, may be granted to them, their heirs and assigns forever :

Therefore,

SECTION I.

IT is hereby enacted, by the General Assembly of the State of Vermont, That the exclusive privilege of locking, or continuing locks, on or by *Bellows' Falls*, on the west side of *Connecticut River*, be and the same is hereby granted to the said *William Page* and *Lewis R. Morris*, and their associates, and to their heirs and assigns forever, under the following limitations and restrictions, viz. That they complete said locks within four years, or are using every exertion to complete them ; that the toll for conveying loaded boats through said locks shall be fifteen pence per ton, and half of said sum for all empty boats, according to the tons said boat will carry, and the same sum for every thousand feet of boards and timber, &c. which sums shall be and remain the rate of said toll forever ; except the same shall be diminished by the judges of the supreme court, as is hereafter provided in this act.

SEC. 2. *And it is hereby further enacted by the authority aforesaid*, That at the expiration of thirty two years, from and after the passing of this act, it shall be the duty of the judges of the supreme court, for the time being, to examine into the cost of erecting, maintaining and attending on said locks, and the net proceeds, arising to the owners on the same ; and if it shall appear to the said judges that the net proceeds during said term of 32 years, shall average at a larger sum than twelve per cent. per annum, upon all actual expenditures, it shall be the duty of said judges to lessen the toll to such sum as shall to them appear reasonable. Provided it shall not be in the power of said judges, to reduce the toll to such sum as prevent the proprietors from receiving twelve per cent. per annum, on all actual expenditures.

SEC. 3. *And it is hereby further enacted by the authority aforesaid*, That it shall be the duty of his excellency the governor, to issue a charter to the said *William Page* and *Lewis R. Morris*, and to their associates, and to their heirs and assigns forever, and to incorporate them into a body politic, by the name of the "*Company for rendering Connecticut river navigable by Bellows' Falls*," with such privileges and immunities as may be necessary for the safety and well ordering of said property.

SEC. 4. *And it is hereby further enacted, by the authority aforesaid*, That after the term of thirty two years, as before mentioned, it shall be the duty of the supreme court for the time being, on application made for that purpose, to examine at the end of ev-

ery ten years, in the same manner as at the expiration of thirty two years before mentioned, and to reduce the toll in the same manner as is before directed.

Passed November 1, 1791.



An act granting to *William Page* and *Lewis R. Morris* and their associates, their heirs and assigns forever, the exclusive right of locking *Bellows' Falls*, on *Connecticut* river, and for repealing an act passed at *Windsor*, on the first day of November, A. D. one thousand seven hundred and ninety one, granting the same.

Whereas William Page of Charleston, in the county of Cheshire, and state of New Hampshire, and Lewis R. Morris of Springfield, in the county of Windsor, and state of Vermont, have petitioned that the exclusive privilege of locking and continuing locks on or by Bellows' Falls (so called) on Connecticut river, may be granted to them, their heirs and assigns forever—

Therefore,

SECTION I.

IT is hereby enacted by the General Assembly of the State of Vermont, That *William Page*, *Lewis R. Morris*, and their associates be, and they hereby are formed into, constituted and made a body politic and incorporate, by the name of *The Company for rendering Connecticut river navigable by Bellows' Falls*; and that they and their successors, and such other persons as shall be hereafter admitted members of the said company, shall be, and continue a body politic and incorporate by the same name forever. And that the aforesaid company have the exclusive privilege of erecting and continuing locks on or by *Bellows' Falls*, on *Connecticut* river, within the state of *Vermont*, under the following limitations and restrictions, viz. That the said company shall be liable to forfeit to and for the use of this state, all right of locking the said falls, on condition that they shall not within the term of three years from the first day of November next, have made and are making all reasonable exertions in procuring materials, labor and other necessities, to forward the erection of said locks, or shall not have fully erected or completed the same fit for use within ten years from the first day of November next. That the toll for conveying loaded boats through said locks, shall be fifteen pence per ton, and half of said sum for all empty boats, according to the tons said boats will carry, and the same sum for every thousand

feet of boards and timber, &c. which sum shall be and remain the rate of said toll forever, except the same shall be diminished by the supreme court, as is hereafter provided by this act.

SEC. 2. *And it is hereby further enacted by the authority aforesaid,* That at the expiration of the term of thirty one years from and after the said first day of November next, it shall be the duty of the judges of the supreme court to examine into the state of the accounts of the said company, for and on account of the said locks and proceeds thence arising; for which purpose the said judges are hereby empowered to appoint three or more persons, wholly disinterested, who shall be duly sworn to the faithful performance of their trust, commissioners to examine into the state of the accounts of the said company, and the said commissioners for the purpose aforesaid, shall have access to all books and documents of said company, and are hereby empowered to call before them and examine under oath such persons as they think fit, and make out a fair statement of the cost of erecting, maintaining and attending the said locks, and of the proceeds arising to the said company from the same, at the rates of toll aforesaid, during the said term, and make report thereon to the said judges, at the stated term of said supreme court, in the county of *Windham*, next after their appointment; and the said commissioners shall receive from the said company, such compensation for their services, as shall be allowed by the judges of said supreme court; and if it shall appear to the said judges, by the report of the commissioners made as aforesaid, that the net proceeds, during the said term of thirty one years as aforesaid, shall average at a larger sum than twelve per cent. per annum, upon all actual expenditures, it shall be the duty of said judges to lessen the toll to such sum as to them shall appear reasonable; provided it shall not be in the power of said judges to reduce the toll to such sum as shall prevent the proprietors from receiving twelve per cent. per annum, for all actual expenditures.

SEC 3. *And it is further enacted by the authority aforesaid,* That if the company shall find it necessary to erect the locks, on or through any land, the fee of which land is not vested in the said company, they shall make application to the county court of the county of *Windham*, describing the said land by proper metes and bounds, and ascertaining the quantity of the said land, and serve the proprietor or proprietors of said land with a true copy of such application, &c. at least twelve days before the sitting of the county court, and the said county court are hereby empowered and directed to appoint a judicious and impartial committee, to examine and report to the court the real value of the land so described as aforesaid; and on acceptance of such report by the said court, and the company paying the sum reported by the committee as aforesaid, with the legal cost arising thereon

to the clerk of said court, a record thereof shall be made by the clerk of the said court, and the fee of the land shall thereby pass to the said company, as fully and completely as if deeded by the owner or owners of said land.

SEC. 4. *And it is hereby enacted by the authority aforesaid,* That if it should be found necessary to fully effect the intention of this act, to erect a dam on *Connecticut* river, and thereby flow, or otherways injure the property of any of the good citizens of this state, such person or persons so injured, shall, upon application to the county court for the county of *Windham*, be entitled to receive from the company aforesaid, such compensation as the county court shall adjudge just and equitable, for the injury which such person or persons has sustained, or probably may in future sustain, by flowing the said land or in any other way whatsoever; and a record being made thereof by the clerk of said court shall be a complete bar to any future application for any compensation for any injury done to the same property, whether real or personal; and any action for damage sustained by the dam aforesaid, shall be commenced in the mode prescribed by this act, and in no other, unless the company shall have failed to pay the sum or sums assessed by the court aforesaid, any law, usage or custom to the contrary notwithstanding. And it shall be the duty of the clerk of the said county court, to pay over, on request, all sums of money by him received from the said company, as aforesaid, to the persons to whom they respectively belong, taking proper receipts therefor; which receipts the said clerk shall safely keep with the files in his office, and minute the same in the record of the proceedings in each respective cause.

SEC. 5. *It is hereby further enacted by the authority aforesaid,* That after the term of thirty one years, as before mentioned, it shall be the duty of the supreme court for the time being, on application made for that purpose, to examine at the end of every ten years, in the same manner as at the expiration of thirty one years, as aforesaid, and to reduce the toll in the same manner as is before directed.

SEC. 6. *And it is hereby further enacted, by the authority aforesaid,* That an act, entitled "An act granting to *William Page* and *Lewis R. Morris*, and their associates, their heirs and assigns forever, the exclusive privilege of locking *Bellows' Falls*," passed at *Windfor*, the first day of November, Anno Domini, one thousand seven hundred and ninety one be, and the same is hereby repealed.

Passed October 25, 1792.

An act in amendment of "An act granting to *William Page, Lewis R. Morris*, and their associates, their heirs and assigns forever, the exclusive right or privilege of locking *Bellows Falls*, on *Connecticut river*," passed the twenty fifth day of October, A. D. one thousand seven hundred and ninety two.

Whereas the compensations allowed in said act, for conveying boards, timber and lumber through the locks and canal to be erected at said falls, is not sufficient to enable the proprietors to make the necessary preparations for the passage of such timber, boards and lumber—

Therefore,

SECTION I.

IT is hereby enacted, by the General Assembly of the State of Vermont, That the toll for the conveying of all kinds of lumber through said locks shall be fifteen pence per ton; any thing in said act to the contrary notwithstanding.

SEC. 2. *And it is hereby further enacted*, That the proprietors of the aforesaid locks, shall erect them forty feet long and sixteen feet wide, and keep the same in repair, in the same manner as is provided by a former act for the locks for the passing of boats.

Passed October 16, 1795.



An act for settling disputes respecting landed property.

Whereas many persons have purchased supposed titles to land within this State, and have taken possession of such lands under such titles, and made large improvements on the same; and who having no legal title to such lands, must, if the strict rules of the common law be attended to, be turned off from their possessions made at great expence—

SECTION I.

BE it enacted by the General Assembly of the State of Vermont, That when any person or persons, in the actual possession and improvement of lands to which he, she or they, so in possession, or those under whom they hold, had purchased a title, supposing at the time of purchase such title to be good in fee, and having in consequence of such purchase entered and made improvements upon such lands, shall be prosecuted before any court,

by action of ejectment, or any other real or possessory action, to final judgment, and judgment shall be given against such person or persons in possession as aforesaid, such person or persons as aforesaid, against whom judgment shall be finally given as aforesaid, shall have right by action to recover of the person or persons in whom the legal right shall be found by such judgment, the value of the improvements and betterments made on such lands by such possessor or possessors, or those under whom they hold.

And the mode of process shall be, that the recoveree or recoveries in such action as aforesaid, shall within forty eight hours after judgment, or during the sitting of said court, file a declaration, in an action of the case, against the recoveror or recoverors, for so much money as the estate is made better as aforesaid, in the clerk's office of the court where such judgment was obtained, which shall be deemed a sufficient notice to the adverse party, to appear and defend in such action on the case, at the next session of said court, whether stated or adjourned; and the court, on motion made, shall order the writ of seizin or possession to be stayed until the last action aforesaid be determined; and the land recovered by such judgment shall be holden to respond the judgment, if any there be, in favor of the possessor or possessors, as fully as though the same had been attached by mesne process; and if on trial it shall be found necessary that a view be had of the premises, to ascertain how much the estate is made better as aforesaid, the court, on motion made by either party, may grant such view, and all the reasonable charges arising by such view shall be paid by the party moving for the same.

SEC. 2. *And be it further enacted by the authority aforesaid, That* the jury, in estimating the value of the improvements, shall assess the value of the lands as they were when the settlement was begun by the possessor or possessors, and shall also assess the value of such lands at the time of such assessment, as if the same were then uncultivated, and shall allow to the possessor or possessors the one half of what such lands have arisen in value, and shall, in addition thereto, assess to the possessor or possessors the just value of making the improvements, with the buildings and other betterments made on such lands by the possessor or possessors, or those under whom they hold; and if any doubt shall arise respecting the quantity of such land to be estimated by the jury, it is hereby declared to be the duty of such jury to appraise the improvements and betterments on the land described in such action.

SEC. 3. *And be it further enacted, by the authority aforesaid, That* when any person or persons who have entered and made improvements on lands to which he, she or they had no such supposed title as aforesaid, shall be prosecuted before any court, by action of ejectment, or other real or possessory action, and judgment

shall be finally given against such possessor or possessors, he, she or they, shall have right to recover of the legal owner thereof, the value of his, her or their improvements, to be estimated in manner as aforesaid; excepting that such possessor or possessors shall have no allowance for the rise of the land, and the same manner of process shall be had, and the lands shall be holden to respond the judgment obtained by said possessor or possessors, as is before provided in this act.

Provided always, and be it further enacted by the authority aforesaid, That this act shall not extend to any thing future, or to any person or persons who have taken possession of land to which they have no supposed title, after the first day of October, 1780, or to any person or persons who have taken possession of lands to which they have no legal title after the first day of July, 1785; and that no person who hath ousted the rightful owner, or gotten possession of any improved estate by ouster (otherwise than by legal process) shall take any advantage, or benefit by this act.

SEC. 4. *Be it further enacted by the authority aforesaid,* That if the plaintiff in the action of the case aforesaid, shall recover judgment in said action, no execution shall be granted in such case, until the expiration of six months after said judgment is recovered; and the writ of seizin or possession shall be further stayed until the expiration of the said six months, unless the defendant in said action, of the case, satisfy said judgment, either to the plaintiff recovering such judgment, or by paying the full sum of damages and cost so recovered, into the hands of the clerk of said court, for the plaintiff's use; in which case the clerk shall give a receipt for the sum so paid, and enter such judgment satisfied, and a writ of seizin or possession shall immediately issue.

SEC. 5. *Be it further enacted by the authority aforesaid,* That the defendant in the declaration filed for damages as before mentioned in this act, shall not be allowed to demur to said declaration after the second day of the sitting of the court in which said action for damages is to be tried as aforesaid; and if judgment shall be given on demurrer in favor of the defendant, the plaintiff, within twenty four hours after such judgment, or during the sitting of said court, shall have full liberty to file another declaration for the purposes intended by this act; and a trial shall be had in said action as soon as may be after filing said last mentioned declaration, and the writ of seizin or possession shall be stayed and the land shall be holden to respond the judgment as before is provided in this act.

SEC. 6. *Be it further enacted by the authority aforesaid,* That all actions commenced for the trial of the title of lands or declarations filed for damages, as aforesaid, shall be taken up in the same stage in which they were when the trial of them was sus-

pended by the general assembly in October 1783, and be prosecuted accordingly.

SEC. 7. *And be it further enacted by the authority aforesaid,* That when any prosecution has been commenced before the passing of this act, by action of ejectment, or other real or possessory action, before any court, against any person in possession as is before mentioned in this act, and judgment has been rendered in favor of the plaintiff, whether such judgment be final or not, or whether writ of seizin or possession on such judgment has been issued or not, and whether such possessor or possessors shall have been put out of possession or not, such writ of seizin or possession, if not executed, shall be stayed for the term of six months from the passing this act; in which time such possessor shall have liberty (on paying to the plaintiff in such action of ejectment, or writ of right, all his just costs in such action, and giving him or his attorney twelve days notice, in writing, when and where he will file a declaration for the purposes intended by this act) to file a declaration in an action of the case, with the clerk of the court in which the plaintiff's action of ejectment, or other real or possessory action was first commenced, and shall have all the advantages intended by this act.

SEC. 8 *Provided always, and it is hereby enacted by the authority aforesaid,* That this act shall not extend to any person or persons settled on lands granted or sequestered for public, pious or charitable uses, nor to any person who has gotten the possession of lands by virtue of any contract made between him and the legal owner or owners thereof.

SEC. 9. *Provided also, and be it further enacted by the authority aforesaid,* That nothing in this act shall be construed to deprive any person of his remedy at law against his voucher.

SEC. 10 *And be it further enacted by the authority aforesaid,* That no writ of right, or other real action, no action of ejectment, or other possessory action, of what name or nature soever, shall be sued, prosecuted or maintained for the recovery of any lands, tenements or hereditaments, where the cause of action has accrued before the passing this act, unless such action be commenced within three years next after the first day of July, in the present year of our Lord, one thousand seven hundred and eighty five.

Passed October 27, 1785.

An act relating to estates that have been confiscated by the authority of this state.

SECTION I.

IT is hereby enacted by the General Assembly of the State of Vermont, That if any person or persons whatsoever, who have purchased any real estate which has been confiscated by the authority of this state, shall be sued in any action of trespass quare clausum fregit, action of ejectment, or other possessory action, of what name or nature soever, he may plead the general issue, and if on trial said person or persons can prove to the satisfaction of the court and jury, that the traitor, or he whose estate was so confiscated, had at any time previous to the confiscation, a deed of the same in the legal chain of title, whether the same was acknowledged or not, or whether the same was recorded or not, it shall be prima facie evidence that the title was in the person whose estate was thus confiscated, at the time the judgment of confiscation was had and rendered, unless the person who sues for the same can show that the person whose estate was thus confiscated, had sold and disposed of the same for a bona fide consideration, before said judgment was had and rendered.

SEC. 2. *It is hereby further enacted by the authority aforesaid,* That where the person or persons who have purchased confiscated estates as aforesaid, shall have occasion to commence an action to recover possession of the same, the same evidence shall be allowed to the plaintiff, as is heretofore by this act allowed to the defendant.

Passed October 24, 1788.



An act confirming certain grants of land made by this state.

Whereas several grants of land have been heretofore made in this state, by resolutions of the General Assembly; and whereas disputes may arise thereon—Therefore,

SECTION 1.

IT is hereby enacted by the General Assembly of the State of Vermont, That all grants of land in this state, which have been made by resolutions of the General Assembly, previous to the present session, shall be good and valid in law, to all intents and purposes, as if the same had been made by act of the legislature.

Passed October 29, 1789.

An act to repeal the several statutes therein mentioned or described.

SECTION I.

BE it enacted by the General Assembly of the State of Vermont, That the several statutes herein after mentioned, passed by the legislature of this state be, and hereby are, after the rising of the next session of the legislature in October next, declared to be repealed and made null (except an act authenticating deeds, which is repealed at the rising of this session of the assembly) viz. All the acts passed in February, June and October sessions, 1779; all the acts passed in March, 1780; all the acts passed in October and November session, 1780, except an act, entitled "An act to make the trustees of *Clio Hall* a body politic and corporate in law;" all the acts passed in February, April, June and October sessions, 1781; all the acts passed in February session, 1782, except an act, entitled "An act directing the heirship of the estate of Col. *William Symes*, late of *Hertford*, deceased, intestate;" and an act, entitled "An act pointing out the office and duty of the secretary of state;" all the acts passed in June and October sessions, 1782; all the acts passed in February session, 1783, except an act, entitled "An act to confirm the substance of the last will and testament of *Rufus Rude*, late of *Royalton*, deceased, as the last will of the said deceased;" all the acts passed in October, 1783; all the acts passed in October, 1784, and in June, 1785, except an act, entitled "An act for establishing a county grammar school, at *Norwich*, in *Windsor* county;" all the acts passed in October, 1785; except "An act establishing a certain agreement made between the proprietors of the towns of *Addison* and *Panton*, in the county of *Addison*;" "An act for ascertaining the expence of making surveys in certain cases therein mentioned;" "An act to render more effectual several acts passed by the general assembly of this state, to enable towns or persons, in said acts respectively named, to levy and collect certain specified taxes on each acre of land, mentioned and described in said acts;" "An act to vacate the record of a deed on the book of records in the town clerk's office in the town of *Windsor*;" "An act against taking or destroying white pine or any other valuable timber;" and "An act for settling disputes respecting landed property;" and all the acts passed in October, 1786, except "An act to prevent the sale and transportation of negroes and mulattoes out of this state;" "An act to suspend the collection of a tax in *Hartland*, and directing the mode of paying the same;" "An act to enable the land owners in the town of *Fairlee*, in *Orange* county, to meet and transact the business therein mentioned;" "An act to enable the judge of pro-

date for the district of *Westminster*, to take the probate of the last will of *Samuel Wells*, Esq. deceased, or to grant letters of administration with the will annexed ;” “ An act empowering the proprietors of the township of the two *Heroes* to pitch the undivided land in said town ;” and “ An act for the purpose of making a distribution of the estate of *William Fitch*, late of *Parvlet*, deceased.”

Provided always, That nothing herein contained shall extend to any acts directing the recording of any deed or deeds ; nor to any acts directing persons to sell land, or execute deeds thereof ; nor to any private acts for the confirmation of landed property ; nor to any acts empowering the sale of deceased persons' estates ; nor to any acts for the collection of taxes which have not had their full operation, or for exempting public lands from taxation ; nor to any acts incorporating ecclesiastical, or other societies, towns or parishes ; nor to any acts for altering the names of towns ; nor to any acts of pardon ; nor to any act for the regulation and establishment of town lines, or for the cutting roads in the northern part of this state ; nor to any act relating to the duty of the auditor of accounts ; nor to acts made for granting land ; nor to any acts for giving further time of redemption to lands which have been sold ; nor to any act of naturalization ; nor to any acts respecting the coining of coppers in this state ; nor to affect any actions which have been commenced, and depend on any statute repealed by this act ; nor to any acts granting a new trial ; nor to any private act, of what name or nature soever.

Passed March 10, 1787.



An act for the purpose of founding a University at *Burlington*.

Whereas the education of youth is necessary for the advancement of morality, virtue and happiness, and tends to render a people or state respectable ; to promote which, establishments for seminaries and colleges have ever been patronised by all good governments ; and whereas several grants of land have already been made by this state, and private liberal donations have been offered for promoting so useful an establishment within the same, which demand the attention of this legislature, for laying the foundation for an institution so beneficial to society—Therefore,

SECTION I.

IT is hereby enacted by the General Assembly of the State of Vermont, That there be, and hereby is a college instituted and estab-

lished at such a place in the township of *Burlington*, in the county of *Chittenden*, as the corporation herein after named shall think most convenient for that purpose, to be known and designated by the name and stile of "*The University of Vermont*."

SEC. 2. *And it is hereby further enacted by the authority aforesaid,* That the governor of this state, the speaker of the house of representatives for the time being, and the president of the university when elected, shall be *ex-officio* trustees for the said university; and who, together with *Caleb Blood, Bethuel Chittenden, Asa Burton, George Boune, Ira Allen, Charles Platt, Jonathan Arnold, Enoch Woodbridge, Samuel Hitchcock, and Jonathan Hunt*, and such others as shall be appointed, in manner and to the number herein after directed, shall at all times hereafter, form and constitute the board of trustees for the said institution, and be known by the name and stile of "*The Corporation of the University of Vermont*;" and the said corporation and their successors in office, are hereby declared, constituted, ordained and appointed, a body corporate and politic, to all intents and purposes, in name and fact, shall have full power to take by gift, grant, purchase or devise, any estate, either real or personal, for the use of the said university, and to take charge of, lease, rent, and improve to the best advantage, all such grants as have been already made by the authority of this state, for the use and benefit of a college, and also to receive and appropriate all such donations as have been; or hereafter shall be made for the use of the said institution, and by themselves or their attornies to institute, maintain and defend any suit or suits, which may or shall be sued, prosecuted or impleaded, either in law or equity, for the recovery or defence of any of the rights or property of the said university, as they shall find necessary; and also to appoint, elect, support and remove, from time to time, all such officers and servants as they shall find necessary; to direct the studies of the youth; to establish professorships and professors, and provide for their support; to make and establish all necessary rules, regulations and bye laws, for the orderly government of said university. *Provided always,* That the said rules, regulations and bye laws, shall not be repugnant to the constitution and laws of this state. *And provided also,* That the said bye laws shall not tend to give preference to any religious sect or denomination whatsoever; to grant and confer all such degrees, literary titles, honors and distinctions, as other universities, colleges and seminaries have done, or may of right do; and to do any other thing which shall be found necessary for the government and welfare of such an institution.

SEC. 3. *And it is hereby further enacted by the authority aforesaid,* That when and so often as it shall be judged needful for the interest of said institution, that additions should be made to the number of trustees, or members of the corporation aforesaid, it

shall and may be lawful for the said corporation, at any regular stated meeting, or when specially notified to attend for that purpose, to elect by ballot, such and so many as they shall think proper, so as that the whole number appointed, inclusive of those who are appointed *ex officio*, shall not exceed the number of seventeen, ten of whom shall be resident in this state; and that a majority of the trustees who shall reside within this state, shall be a quorum to act in all cases.

Provided always, That no person holding a place of trust or profit in any other university, college or seminary, or holding any place of appointment, in the university of *Vermont*, to which a salary or other emolument is annexed, shall be eligible as a member of said corporation, except the president of said university.

SEC. 4. *And it is hereby further enacted by the authority aforesaid*, That the governor be empowered to call the first meeting of the corporation, at such time and place as he in his discretion shall think fit; whose duty it shall be when so met, to take into consideration the state and conditions of the grants and donations, made and offered for the use of the university, and secure the same; to adopt rules and regulations for their own procedures; to provide means for erecting as soon as may be, a commodious building or buildings, for the reception and accommodation of students, officers and servants; and to transact such other business as they shall find necessary and proper to be done.

SEC. 5. *And it is hereby further enacted by the authority aforesaid*, That the estate of the said university, both real and personal, shall be free and forever exempt from taxes, to the full amount of one hundred thousand pounds; and the persons of all officers, servants and students, belonging to said university, shall, during their continuance there, be exempt from taxes and military duties.

SEC. 6. *And it is hereby further enacted by the authority aforesaid*, That in all grants, donations, devises and purchases of lands, made, or which shall be hereafter made to the said institution, it shall not be lawful for the said corporation to hold in lands, lying within this state, to a greater quantity than seventy thousand acres; unless by consent of the legislature of this state, by a law obtained for that purpose; any thing herein contained to the contrary notwithstanding.

SEC. 7. *And it is hereby further enacted by the authority aforesaid*, That the said trustees, when required by the legislature of this state, lay before them the state and condition of the funds of said university, together with all appropriations by them made, and the bye laws, rules and regulations for the government of said institution, for their examination, approbation and revision.

SEC. 8. *And it is hereby further enacted by the authority aforesaid*,

That the trustees of said university and their successors, shall and may have a common seal, under which they may pass all diplomas, or certificates of degrees, and all other affairs of business, of and concerning the said university, which shall be engraven in such form, and with such an inscription, as shall be devised by the said trustees for the time being, or the major part of them, convened for the service of the said university.

SEC. 9. *And it is hereby further enacted by the authority aforesaid,* That the governor be, and hereby is empowered and requested to issue to the trustees named in this act, and to their successors, a charter of incorporation, made in due form of law, agreeable to the same.

Passed November 3, 1791.

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An act directing the collection of land taxes in this state, where towns have been divided, or new towns have been made up out of parts of other towns.

SECTION 1.

IT is hereby enacted by the General Assembly of the State of Vermont, That in all towns in this state, that shall or may have any part taken off, or annexed to any other town; in such cases, whenever any land tax shall be laid by act of legislation, in this state, and the constable, or other officer who may be directed by law to collect such tax, shall receive a warrant for the collection of the same, that it shall be the duty of the constable or other officer, to collect the whole of said tax within the original limits of said town, as first chartered to said proprietors.

SEC. 2. *And be it further enacted by the authority aforesaid,* That the constable, or other officers in this state, who are empowered by law to collect the tax of one half penny on each acre of all the land in this state, granted by the general assembly of this state, in October, one thousand seven hundred and ninety one, shall pursue the same method in collecting the same, as is above directed in this act.

Passed November 8, 1792.

An act directing the uses of the rights of land in this state, heretofore granted by the *British* government, as glebes for the benefit of the church of *England*, as by their law established.

Whereas by the first principles of our government, it is contemplated that all religious sects and denominations of christians, whose religious tenets are consistent with allegiance to the constitution and government of this state, should receive equal protection and patronage from the civil power; and whereas it is contemplated, in the grants heretofore made by the British government, commonly called glebe rights, that the uses of said rights should be, to the sole and exclusive purpose of building up the national religion of a government diverse from and inconsistent with the right of our own, for which reason, and on the principles of the revolution, the property of said lands is vested in this state—Therefore,

SECTION I.

IT is hereby enacted by the General Assembly of the State of Vermont, That the rights of land in the several towns in this state heretofore granted, under the authority of the *British* government, as glebes, for the use of the church of *England*, as by law established, be, and they hereby are granted to the several and respective towns in which such lands lie, to the use, and for the sole purpose of appropriating the rents and profits of such lands, to and for the support of religious worship in such towns forever.

The said rents and profits to be distributed in towns where there may be more than one resident religious teacher, for the support of such teachers, in proportion to the number of rateable polls belonging to the respective congregations, and residents in such towns.

And that it shall be the duty of the select men of the respective towns where such lands lie, in the name and behalf of such towns, by action of ejectment on the demise of the select men of such towns respectively, to obtain possession of and lease out such lands, for a term not exceeding fourteen years, at any one time.

And they shall have power to demand, recover, and receive the rents and profits arising from such lands, and shall from time to time pay the same into the treasury of such town, which sums so collected and paid as aforesaid, after satisfying such reasonable demands as said select men may justly have for their trouble and expence in said business, adjusted and voted by such town, shall be paid out by order of the select men, for the purposes and in the proportions herein before expressed.

Passed October 30, 1794.

An act directing the appropriations of the lands in this state, heretofore granted by the *British* government to the society for the propagation of the gospel in foreign parts.

Whereas by the customs and usages of nations, no aliens can, or of right ought to hold real estate, in a country to whose jurisdiction they cannot be made amenable or responsible; and whereas the society for the propagation of the gospel in foreign parts, is a corporation created by, and existing within a foreign jurisdiction, to which they alone are amenable, by reason whereof, at the time of the late revolution of this and the United States, from the jurisdiction of Great Britain, all lands in this state, granted to the society for the propagation of the gospel in foreign parts, became vested in this state, and has to this time remained unappropriated; and whereas it appears to this legislature, that said lands might be more useful, if granted for the purposes of education, than in any other way—

Therefore,

SECTION I.

IT is hereby enacted by the General Assembly of the State of Vermont, That the several rights of land in this state, granted under the authority of the *British* government, previous to the revolution, to the society for the propagation of the gospel in foreign parts be, and the same hereby are granted severally, to the respective towns in which such lands lie, and to their respective use and uses forever, in manner following, viz. It shall be the duty of the select men in the respective towns, in the name and behalf of such towns, if necessary, to demand, sue for, and recover the possession of such lands, and the same to lease out as long as water runs or wood grows, and annually, at farthest, to collect the rents and profits of such lands, and the same pay into the treasury of such town, taking the treasurer's receipt therefor. Which monies, so arising, after deducting the reasonable expence and charge of the said select men, as the town shall legally vote to allow, shall be drawn out of the treasury, in pursuance of a vote of such town, and distributed in the several school districts, in such town annually, in proportion to the number of rateable polls in such district.

Provided, Such districts shall, in the course of the year immediately preceding, have employed a school master within such district, whose services as such exclusive of boarding, shall have amounted to such dividend.

But such districts as shall not have employed a school master as aforesaid, shall not for the year so neglecting be entitled to any dividend.

And if no district in such town shall have employed a school master as aforesaid, then such rents shall, by the said select men, be drawn out of the treasury, and put to use for one year, the aggregate whereof shall be added to the next annual dividend, and so from time to time as the case may be.

Passed October 30, 1794.



An act empowering the select men in the several towns in this state, to take care of, and lease out the lands granted for the use of county grammar schools, lying within this state.

SECTION I.

IT is hereby enacted by the General Assembly of the State of Vermont, That the select men in the several towns be, and they hereby are duly authorized and empowered to take care of, and lease out, for a term of time not exceeding ten years, all such lands as are granted to, or sequestered for the use of the county grammar schools lying in this state, in such way and manner as they, the said select men shall judge will best promote the value of said lands; and the said select men shall receive an adequate reward for their services, to be paid out of the avails of the improvements of said lands, lying within the town where said select men live, respectively, to be taxed by one or more justices of the peace within said town.

And whereas sundry persons have, or may hereafter take possession of, or trespass on said lands—Therefore,

SEC. 2. *It is hereby further enacted,* That in such cases, the select men in such town where said land may be situate, be fully empowered and authorized to demand of such person or persons, so possessing or trespassing as aforesaid, restitution in damages, and peaceable possession of the same, and every part and parcel thereof; and on refusal, said select men are empowered and authorized to bring actions of ejectment, or other possessory actions or prosecutions in the name of the state of Vermont.

SEC. 3. *It is hereby further enacted,* That the select men aforesaid, are hereby made amenable and accountable to such board of trust, as have been, or may hereafter be appointed for the county grammar schools in this state, for the rents and profits that may arise from time to time, from the lands granted for the purpose aforesaid.

Provided always, That this act shall not be considered to extend to the taking any lands into the custody of the select men, which have been or may be leased out by the trustees of any of the grammar schools incorporated in this state.

Passed October 27, 1795.



An act enabling all the organized towns in this state to tax themselves for the purpose therein mentioned.

Whereas the legislature of the state of New York have established a company in said state, called and known by the name of The President, Directors and Company of the Northern Inland Lock Navigation—for the purpose of opening a lock navigation from the now navigable part of Hudson's river to Lake Champlain; and have enabled said company to receive and enjoy certain profits which may arise therefrom; and whereas the president of said company has made application to this legislature to subscribe for fifty shares of the stock thereof. And although it appears to the legislature, that the purchase of said shares, for the purpose of encouraging said undertaking, would be highly beneficial to the state at large, yet as it would be more particularly beneficial, to the western and north-western parts thereof, the legislature do not think fit to purchase said shares with money taken from the public treasury, but for the purpose of encouraging an undertaking so laudable and beneficial to mankind, the legislature have thought fit to enable such towns as, from a spirit of liberality and enterprise, shall have a wish to become stock holders in said company to tax themselves for the purpose—

Therefore,

SECTION I.

I*T is hereby enacted by the General Assembly of the State of Vermont, That the several organized towns in this state be, and they hereby are enabled, authorized and empowered, at a meeting legally warned for that purpose, to levy a tax on the list of the polls and rateable estate of such town or towns, not exceeding six pence on the pound, or on all the lands in such towns (public lands excepted) not exceeding three pence on each acre, to raise money for the purpose aforesaid.*

And any justice of the peace of the town where such tax shall be voted or levied as aforesaid, is hereby authorized to issue his warrant for the collection of the same, to the first constable of

such town, who is hereby appointed a collector of such tax. And such collector is hereby made accountable to the treasurer of such town, for the amount of such tax. And such constable, to whom shall be committed the collection of such tax, laid on the list of such town as aforesaid, shall have the same power, and proceed in the same manner as in the collection of other town taxes, and in case of delinquency, shall be proceeded against in the same manner as delinquent collectors of town taxes are.

And any constable to whom shall be committed the collection of any tax so laid, on the lands of any town as aforesaid, shall advertise such tax, in the same manner as the collectors of taxes laid for the purpose of making and repairing roads and building bridges are by law directed to do.

Except that such tax shall be advertised to be payable in money only, and at the time which by the town granting the same shall be set for the payment thereof.

And in case such tax or any part thereof shall remain unpaid after the time limited for the payment thereof, in such advertisement, such collector is hereby empowered to sell so much of the land of each delinquent owner or proprietor, as will pay his proportion of such tax, with legal costs. And shall advertise such sale, and shall proceed to sell and convey the lands of each delinquent proprietor or land owner, in the same manner as the collectors of taxes laid for the purpose of making and repairing roads and building bridges are by law empowered and directed to do.

And the owner of such land which shall be so sold for the collection of such tax as aforesaid, shall have the same time in which to redeem such land, and shall in all things have the same right of redemption, as by law is given to those proprietors and land owners, whose lands may be sold for the payment of such road taxes as aforesaid.

SEC. 2. *And it is hereby further enacted,* That the inhabitants of any such town or towns as have been divided by act of the legislature, may lay a tax on such town in the following manner, to wit: The inhabitants within the ancient or charter bounds of any township or gore of land may, after being duly warned thereto, by notification from a justice of the peace living within the limits of such grant, lay a tax on all the lands contained in such charter or grant in manner aforesaid, for the purpose aforesaid, and may appoint a collector of such tax, who shall be sworn to the faithful discharge of his duty, and shall thereupon be vested with all the powers herein before given to constables in the collection of such taxes, and shall proceed in the same manner in the collection of such taxes.

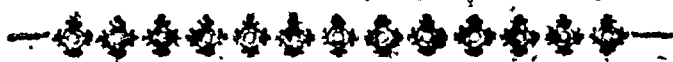
And such inhabitants, and those who may hereafter inhabit such tract, gore or township, are hereby made a body corporate

for the purposes aforesaid, and shall in all things be capable of suing and being sued, of prosecuting and being prosecuted, relative to the raising and disposing of such monies as aforesaid, for the purpose and by the name of the inhabitants of a tract of land, granted by the name of _____, as mentioned in the original charter of such tract or township.

Provided, That this act shall not authorize any towns, or any such inhabitants as aforesaid, to lay any tax for the purpose aforesaid, after the expiration of three years from and after the passing of this act.

SEC. 3. *And it is hereby further enacted*, That if any such town or inhabitants, who shall so lay any such tax as aforesaid, for the purposes aforesaid, on the lands contained in any such town or grant as aforesaid, shall neglect to lay out such money for the purpose aforesaid, in the purchase of a share or shares, in the stock of the company aforesaid, within two years from the time that such tax shall become payable, such money so raised by such tax, shall become forfeit to the treasury of the county in which such town or grant shall lie, to be recovered of such town or inhabitants by action of debt, in the name of the treasurer of such county for the time being, to be prosecuted by the state's attorney of such county.

Passed November 8, 1796.



An act giving remedy against tenants in common, &c. who are delinquent in payment of taxes.

Whereas it is necessary to give relief to such coparceners, joint tenants, and tenants in common, who have paid, or shall pay their proportion of any tax or taxes, which have been or shall be assessed on lands lying in common, when part of such lands have been, or shall be sold for payment of such taxes—Therefore,

SECTION I.

BE it enacted by the General Assembly of the State of Vermont, That it shall and may be lawful for any county court of the county in which such land as aforesaid has been or hereafter shall be sold, upon application of any one or more owners of land held in coparcenary, joint tenancy, or in common, to nominate and appoint two or more discreet free holders (who shall be sworn by any justice of the peace of the same county, to the faithful discharge of their trust) to appraise the land so sold; or which may

hereafter be so sold, for the payment of taxes ; and to set off to the part owner or owners who have not been delinquent, so much of the remainder of the land so held in coparcenary, joint tenancy, or in common, as the said appraisers shall judge to be a full recompence for the land so sold, and necessary charges, which such part owner or owners not delinquent, shall have been at in procuring such recompence ; and the certificate of such appraisers, or the major part of them, that they have set off such land to such part owner or owners, recorded in the town clerk's office, or for want thereof, in the county clerk's office, shall vest the title of said land, so set off, in the person or persons to whom the same shall be set off in severalty, in as full and ample a manner as a deed from the delinquent owner or owners might or could have done.

Passed March 8, 1787.



An act establishing a turn pike road from *Bennington* to *Wilmington*, in this state, under the regulations and limitations therein expressed:

Whereas the road from Bennington to Wilmington, in this state, is exceedingly rocky and mountainous, and there is much travelling over the same ; and the expence of straightening, making and repairing an highway across said mountain, so that the same may be safe and convenient for travellers with horses and carriages, would be much greater than ought to be required of the towns through which the same would pass, under their present circumstances—

Therefore,

SECTION I.

IT is hereby enacted by the General Assembly of the State of Vermont, That Samuel Safford, Luke Knoulton, David Robinson, Jonas Whitney, Timothy Castle, Jabez Foster, Calvin Knoulton, Josiah Arms, Samuel Thompson, and all such persons as shall be associated with them, and their successors, shall be a corporation by the name of the "*First Vermont Turnpike Corporation* ;" and shall by that name sue and be sued, and shall have a common seal, and enjoy all the privileges and powers which are by law incident to corporations ; for the purpose of laying out and making a turn pike road from the east line of said *Bennington*, to the east bank of *Deerfield* river in said *Wilmington*, in such place or places as the said corporation shall choose for the same.

And when the said turn pike road shall be sufficiently made, and shall be allowed and approved by the judges of the county court in *Windham* county, said corporation shall be authorized to erect a turn pike gate or gates on the same, not exceeding two, in such manner as shall be necessary and convenient, and shall be entitled to receive from each traveller and passenger, the following rate of toll, viz.

For every coach, phaeton, chariot, or other four wheeled carriage, drawn by two horses, seventy five cents ; and if drawn by four horses, one dollar ; and if more than four horses an additional sum of six cents for each additional horse.

For every cart, waggon, sled or sleigh, drawn by two oxen or horses, fifty cents ; and if by more than two, an additional sum of six cents for every such ox or horse.

For every chaise, chair, or other carriage drawn by one horse, thirty seven cents.

For every man and horse twenty five cents.

For every foot passenger, four cents.

For all horses, oxen, and other neat cattle, beside those in teams and wheel carriages, six cents each.

For sheep and swine one cent each, one half of said toll to be paid at each gate.

SEC. 2. *And it is hereby further enacted*, That the said corporation, or a committee by them appointed be, and they are hereby authorized to lay out, make and alter said road, through any lands where it shall be necessary and convenient, under the same regulations and restrictions, which the select men in the several towns within this state are under in laying out and altering highways.

SEC. 3. *And it is hereby further enacted*, That if said corporation, their toll gatherers, or others in their employ, shall unreasonably delay or hinder any traveller or passenger at such turnpike gate, or shall demand or receive more toll than is by this act established, the corporation shall forfeit and pay a sum not exceeding ten dollars, nor less than one dollar, to be recovered before any justice of the peace in the same county where the offence shall be committed, by any person injured or defrauded, in a special action on the case, in which case the writ shall be served on the said corporation, by leaving a copy of the same with the treasurer, or with some individual member of the said corporation, living within the county wherein the offence shall be committed, or by reading the contents thereof to said treasurer or individual member at least six days before the day of trial.

And the treasurer of said corporation or individual member, shall be allowed to defend such suit in behalf of the corporation.

And the corporation shall be liable to a fine or presentment of the grand jury, for not keeping such turnpike way and the bridges thereon in good repair.

SEC. 4. *And it is hereby further enacted,* That if any person shall cut, break down, or destroy such turnpike gate, or shall forcibly pass, or attempt by force to pass, without having first paid the legal toll at such gate, such person shall forfeit and pay a sum not exceeding forty dollars, nor less than two dollars, to be recovered by the treasurer of said corporation to their use, in an action of trespass before any justice of the peace or court proper to try the same.

And if any person shall with his carriage, team, cattle or horse, turn out of said road, to pass the said turnpike gate, on ground adjacent thereto, with intent to avoid the payment of the toll due by virtue of this act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the treasurer of said corporation, to the use thereof, in an action of debt on the case.

Provided, That nothing in this act shall extend to entitle the said corporation, to demand toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle, or on foot, to or from his common labor on his farm, or on the common and ordinary business of family concerns within the same town.

SEC. 5. *And it is hereby further enacted,* That the shares in the said turnpike road shall be taken, deemed and considered to be personal estate, to all intents and purposes.

SEC. 6. *And it is hereby further enacted,* That there shall be a meeting of the said corporation, held at the house of Col. Samuel Thompson, in said *Wilmington*, on the third Tuesday of January next, for the purpose of choosing a clerk and such other officers as may then and there be agreed upon by the said corporation, for regulating the concerns thereof.

And the said corporation may then and there agree upon such method of calling meetings in future, as they may judge proper. And may also at said meeting, or any other meeting warned for that purpose, make and adopt such bye laws, as they shall think fit and expedient for regulating the affairs of said corporation, as shall not be repugnant to the constitution or laws of this state.

SEC. 7. *And it is hereby further enacted,* That the said corporation at the place or places where the toll shall be collected, shall erect and keep constantly exposed to view, a sign or board with the rates of toll of all the tollable articles, fairly and legibly written thereon, in large or capital letters.

SEC. 8. *And it is hereby further enacted,* That the legislature of the state may dissolve the said corporation, when it shall appear to their satisfaction that the income arising from the said toll shall have fully compensated the said corporation, for all monies they may have expended, in purchasing, making, repairing and

taking care of the said road, together with an interest thereon at the rate of twelve per cent. by the year, and thereupon the said road shall become public property, and be laid open for public use.

SEC. 9. *And it is hereby further enacted*, That the books of the said corporation shall at all times be subject to be inspected by the judges of the supreme court or a committee by them appointed.

And the said corporation shall within one year after said road is completed, lodge in the offices of the county clerks, in the counties of *Bennington* and *Windham*, an account of the expence thereof.

And the said corporation shall annually exhibit to the said county clerks, a true account of the income or dividend arising from the said toll, with their necessary annual disbursements on said road.

Provided, That if the said corporation shall not expend five hundred dollars on said road within two years, or neglect to complete the said turnpike road, for the space of five years from the passing of this act, the same shall become void and of none effect.

Passed November 3, 1796.



An act establishing a turnpike gate or gates, on such road as shall be made at the place and according to the provisions of this act.

Whereas the public road leading from the line between Clarendon and Shrewsbury, near to John Smith's dwelling house, in said Shrewsbury, over Black River bridge, in Ludlow, is circuitous, rocky and mountainous, and there is much travelling over the same, and the expence of straightening, making and repairing a public road or highway between the line and bridge aforesaid, so that the same may be safe and convenient for travellers with horses and carriages, would be much greater than ought to be required of the towns between the said line and bridge, under their present circumstances:

Therefore,

SECTION I.

IT is hereby enacted by the General Assembly of the State of Vermont, That Royal Crafts, of Rutland, merchant, and his associates, and his and their successors, shall be a corporation by the name of *The Green Mountain Turnpike Corporation*. And shall

by that name sue and be sued, and shall have a common seal, make bye laws, not contradictory to the constitution and laws of this state, and have and enjoy all the privileges and powers which are by law allowed to corporations, for the purpose of laying out and making a turnpike road, four rods wide, from the boundary line between *Clarendon* and *Shrewsbury*, in the county of *Rutland*, near the now dwelling house of *John Smith*, in said *Shrewsbury*, to be in such place or places, and in such direction or directions, as said corporation shall from time to time choose and direct for the same, to the east end of the bridge aforesaid, and for keeping the same in repair.

And when said turnpike road shall be sufficiently made, and shall be approved by the judges of the supreme court of this state, or by a majority of them, the said corporation shall be authorized to erect one or more turnpike gate or gates, under the direction of said judges, the same to be in such manner as shall be necessary and convenient. And shall be entitled to receive from each traveller and passenger the following rates of toll, viz.

For every coach, phaeton, chariot, or other four wheeled carriages, if with steel springs and drawn by two horses, fifty cents; and if drawn by more than two horses, the sum of five cents for every additional horse.

And for every chaise, chair, fulkey, or other two wheeled carriage, drawn by one horse, twenty five cents; if drawn by more than one horse, an additional sum of five cents for each additional horse.

For every cart or waggon drawn by two oxen or two horses, thirty three cents; and if drawn by more than two oxen or two horses, five cents for each additional ox or horse.

For every sled or sleigh drawn by two oxen or two horses, twenty five cents; if drawn by more than two oxen or two horses, the sum of three cents for each additional ox or horse.

For every man and horse, twelve and an half cents.

For all horses led or driven of the number of ten or under, exclusive of those in teams or carriages, the sum of five cents each; if over the number of ten, in one drove, the sum of three cents for each additional horse over the said number of ten.

For all neat cattle in droves, of the number of ten or under, the sum of five cents each; if over the number of ten, in one drove, the sum of three cents for each additional creature, over the said number of ten.

For all sheep and swine, half a cent each.

And the rates of toll hereby established, shall be equally apportioned on the several gates which may be erected, so that a passage through all the gates shall not cost more than the toll above specified.

SEC. 2. And it is hereby further enacted, That all and every

person living within the distance of eight miles of such turnpike gate or gates, shall pass with his or her team, horse, or any other creature, free from any expence.

SEC. 3. *And it is hereby further enacted,* That said corporation may purchase and hold any lands upon which they may make said road, and compensation shall be made by said corporation to individuals whose lands they may take for such road in the same manner and extent as is by law allowed in the case of laying out the lands of individuals for high ways.

And no action of trespass or other action, petition or complaint against said corporation, in more than one instance, shall be maintainable by any one individual, for compensation for lands taken by said corporation, for said road or for any part thereof.

SEC. 4. *And it is hereby further enacted,* That if said corporation or their toll gatherers, or any other person in their employment, shall unreasonably delay or hinder any traveller or passenger at said gate or gates, or shall demand or receive more toll than is by this act established, the said corporation shall forfeit and pay a sum not exceeding ten dollars, nor less than one dollar, to be recovered before any court proper to try the same, where the offence shall be committed, by any person injured, delayed or defrauded, in a special action on the case, in which action the writ shall be served on the said corporation, by leaving an attested copy of the same with the treasurer, or with some individual member of the corporation, living within the county where the offence shall be committed, or by reading the contents thereof in the hearing of such treasurer or individual member, at least twelve days before the day of trial.

And the treasurer of said corporation, or the individual member aforesaid, shall be allowed to defend the suit in behalf of the corporation.

And the said corporation shall be liable to pay damages, which shall happen to any person from whom toll is by this act demandable, for any damage which shall arise from any defect of bridges or want of repairs of the said road, and shall be also liable to presentment by the grand jury, and to a fine for not keeping said road and bridges thereon in good repair both summer and winter.

SEC. 5. *And it is hereby further enacted,* That if any person shall cut, break down, or destroy the said turnpike gate or gates, or shall forcibly pass, or attempt to pass the same, without having paid the legal toll at such gate, such person shall forfeit and pay a sum not exceeding forty dollars, nor less than ten dollars, to be recovered by the treasurer of the said corporation, to their use, in an action of trespass, before any court proper to try the same.

And if any person shall, with his carriage, team, cattle, or horse, turn out of said road, to pass the said turnpike gate or

gates, on ground adjacent thereto, with an intent to avoid the toll, due by virtue of this act, such person shall forfeit and pay treble toll, to be recovered by the treasurer of the said corporation to the use thereof, in an action on the case.

SEC. 6. *And it is hereby further enacted,* That the shares in the said turnpike road shall be taken, deemed and considered to be personal estate, to all intents and purposes.

SEC. 7. *And it is hereby further enacted,* That there shall be a meeting of the said corporation, held at the house of *Joseph Greene*, in *Ludlow*, on the third Monday of May next, for the purpose of choosing a clerk, and such other officers as may then and there be agreed upon, by the said corporation for regulating the concerns thereof.

And said corporation may then and there agree upon such method of calling meetings in future as they may judge proper.

SEC. 8. *And it is hereby further enacted,* That the books of said corporation shall at all times be liable and open to the inspection and examination of the judges of the supreme court.

And the said corporation shall, within the term of six months after the said road shall be completed, lodge with the chief judge of the supreme court, an account of the expence thereof.

And the said corporation shall, annually thereafter, exhibit to the chief judge aforesaid, a true account of the income or dividend arising from the said toll, together with their necessary annual disbursements on said road.

SEC. 9. *And it is hereby further enacted,* That the judges of the supreme court for the time being, after the term of twenty years from the passing of this act, may dissolve said corporation, when it shall appear to them that the income arising from the said toll shall have fully compensated the said corporation, for all monies they may have expended, in purchasing, making, repairing and taking care of said road, together with an interest thereon at the rate of twelve per centum per annum. And thereupon the property of the said road shall be vested in this state, and be at its disposal.

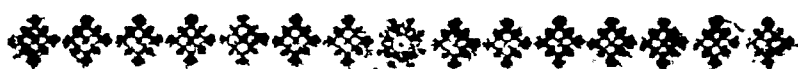
SEC. 10. *And it is hereby further enacted,* That at the place or places where the toll directed by this act shall be taken, there shall be erected and kept constantly exposed to view, a sign or board, with the rate of toll, of all the tollable articles, fairly and legibly written thereon, in capital or large letters.

SEC. 11. *And it is hereby further enacted,* That a disinterested committee shall be appointed by the judges of the supreme court, to be under oath, to examine the two roads leading through *Shrewsbury* and *Mount Holley*, and determine which of the two roads will be the most convenient to answer the purposes of the said turnpike road; and if the said committee shall determine in favor of the north road, the gate or gates shall be erected in such

place or places as not to intercept the travel leading from *Wallingford*, by the now dwelling house of *Stephen Clark, Esq.* to *Ludlow*.

SEC. 12. *And it is hereby further enacted,* That if said corporation shall neglect to complete the said turnpike road, for the space of three whole years from and after the passing of this act, the same shall become null and void.

Passed March 10, 1797.



TITLES OF PUBLIC ACTS,

Which are not repealed, or become obsolete.

AN act to make the trustees of *Eliz Hall* a body politic and corporate in law—passed November 3, 1780.

An act for the alteration of the name of the township of *Hertford*—passed June 15, 1782.

An act for dividing the town of *Windsor* into two distinct societies—passed October 17, 1783.

An act incorporating a congregational society in the town of *Manchester*—passed February 28, 1784.

An act dividing the town of *Woodstock* into two parishes—passed March 1, 1784.

An act to establish the doings of a certain town meeting held in the town of *Neshobe*, and to alter the name of the said town of *Neshobe*—passed October 20, 1784.

An act to establish a society by the name of the *First Medical Society in Vermont*—passed October 25, 1784.

An act to divide the town of *Rupert* into two parishes—passed October 26, 1784.

An act constituting a new town, by the name of *Middletown*—passed October 28, 1784.

An act for establishing a county grammar school at *Norwich*, in *Windsor* county—passed June 17, 1785.

An act to divide the town of *Dorset* into two distinct parishes—passed October 20, 1785.

An act establishing a certain agreement made between the proprietors of the towns of *Addison* and *Panton*, in the county of *Addison*—passed October 24, 1785.

An act forming a religious society in *Parolet*—passed October 27, 1785.

An act ascertaining the value of contracts made for continental bills of credit—passed February 27, 1787.

An act for prolonging the time in which the grantees of lands

chartered by this state are obliged to settle the same—passed March 9, 1787.

An act ascertaining the mode in which granting fees shall be assessed, and the charters given of lands granted by this state, and for the payment of such bills, specie or produce, as is or shall be due to the treasury of this state—passed March 9, 1787.

An act in addition to an explanation of an act passed March 9, 1787, entitled, “An act ascertaining the mode in which granting fees shall be assessed, and the charter given of lands, granted by this state, &c.—passed October 28, 1789.

An act for establishing a county grammar school at *Castleton* in the county of *Rutland*—passed October 15, 1787.

An act forming the south part of the town of *Athens* into a parish—passed October 18, 1788.

An act dividing the town of *Wardsborough* into two districts—passed October 18, 1788.

An act for altering the name of the township of *Turnersburgh* in the county of *Orange*, to the name of *Chelsea*—passed October 13, 1788.

An act dividing the *Two-Heroes*, into two towns—passed October 21, 1788.

An act altering the name of *Moretown* in *Orange* county, to the name of *Bradford*—passed October 23, 1788.

An act for the purpose of altering the name of the township of *Pocock*, in the county of *Addison*, to the name of *Bristol*—passed October 21, 1789.

An act annexing *Newhaven Gore* to the township of *Newhaven*—passed October 29, 1789.

An act altering the name of the town of *Minden*, in the county of *Orange*, to that of *Craftsborough*—passed October 27, 1790.

An act repealing the providing clause in an act entitled “An act dividing the *Two-Heroes* into two towns”—passed January 18, 1791.

An act to annex part of the town of *Newhaven* to the town of *Weybridge* in *Addison* county—passed October 28, 1791.

An act incorporating the members of *Athens* grammar school into a society—passed November 3, 1791.

An act uniting the first society of *Dorset* and the east society of *Reupert* into one entire society—passed November 3, 1791.

An act dividing the town of *Fairhaven* into two distinct towns—passed October 20, 1792.

An act for the purpose of forming the township of *Fairfield*, *Smithfield* and *Bakersfield*, alias *Knoulton's Gore*, in the county of *Chittenden*, into two townships—passed October 25, 1792.

An act incorporating the members of *Cavendish* grammar school—passed October 26, 1792.

An act annexing *Walden Gore* to the town of *Danville*—passed October 29, 1792.

An act for the purpose of altering the name of the town of *Tomlinson*, in the county of *Windham*, to the name of *Grafton*—passed October 31, 1791.

An act to incorporate *Jackson's Gore* with a part of *Ludlow* into a town by the name of *Mount Holly*—passed October 31, 1792.

An act annexing part of *Alburgh* to the town of *Highgate*—passed November 1, 1792.

An act in addition to and alteration of an act entitled, an act incorporating *Athens* grammar school into a society—passed November 1, 1792.

An act appointing commissioners to ascertain the boundary line between the state of *New-Hampshire* and this state—passed November 6, 1792.

An act establishing for the time being, a jurisdictional line between the towns of *Hancock* and *Rochester*—passed November 6, 1792.

An act granting relief to two native Indians—passed November 7, 1792.

An act changing the name of the township of *Hungerford* in the county of *Chittenden*, to the name of *Sheldon*—passed November 8, 1792.

An act granting to *Nathan Fellows*, his heirs and assigns, the exclusive privilege of running a stage on the rout from *Rutland* to *Burlington*, for the term of ten years—passed Oct. 16, 1793.

An act altering the name of the town of *Wildersburgh* to that of *Barre*—passed October 19, 1793.

An act dividing the town of *Cavendish* in the county of *Windsor* into two separate towns—passed October 19, 1793.

An act annexing part of the town of *Timmouth* to the town of *Wallingford*—passed October 21, 1793.

An act granting the exclusive privilege of keeping a ferry from *Colchester* to *South Hero*, to *James Burdick* and *Benjamin Boardman*, for the term of three years—passed November 4, 1793.

An act for incorporating certain physicians therein named into a society by the name of the *Second Medical Society in the State of Vermont*—passed October 21, 1794.

An act establishing and constituting the easterly part of *Burlington*, the southerly part of *Jericho*, the two societies of *Williston*, a part of *New Huntington*, and part of *Buel's* and *Savery's* gores into three distinct towns—passed October 27, 1794.

An act enabling certain persons therein named to take care of and lease out the lands granted for the use of the county grammar school in the county of *Windsor*—passed October 30, 1794.

An act granting a new town out of the towns of *Putney* and *Athens*, in the county of *Windham*, by the name of *Brookline*—passed October 30, 1794.

An act for the purpose of obliging the proprietors of a mill

dam on the mouth of *Wells* pond to draw the waters off from the lands flowed by the times, and on the considerations therein mentioned—passed October 30, 1794.

An act altering the name of the town of *New Huntington*, to that of *Huntington*—passed October 27, 1795.

An act forming the east part of *Londonderry* and *Mark's Leg*, in the county of *Windham*, into a separate town—passed October 22, 1795.

An act establishing the county grammar school of the county of *Caledonia*, in the town of *Peacham*—passed October 27, 1795.

An act granting to *John A. Graham*, Esq. the exclusive right of smelting and refining certain minerals and metals, for the space of thirty five years—passed October 23, 1795.

An act granting the exclusive privilege of keeping a ferry from *Milton* to *South Hero*, to *Alexander Phelps* and *Israel Jocelin*—passed October 26, 1795.

An act granting to *Israel Converse*, *Josiah Edson*, *Stephen Fisk* and *Timothy Mitchell*, the exclusive privilege of running a stage from *Windsor* to *Burlington*, for the time therein mentioned—passed October 22, 1795.

An act to erect a part of *Fairlee*, in the county of *Orange*, into a separate parish—passed October 28, 1796.

An act annexing part of the town of *Cornwall* to *Middlebury*—passed October 25, 1796.

An act incorporating certain persons therein mentioned a society, by the name of *Bradford social library society*—passed November 5, 1796.

An act granting the exclusive privilege of keeping a ferry from *Georgia* to the north part of the *South Hero*, to *David Maxfield* for the term of eight years—passed November 8, 1796.

An act granting to *Enoch Hall*, of the *Isle la Mott*, the exclusive right of keeping a ferry from the *Isle la Mott* to *Alburgh*—passed November 5, 1796.

An act granting to *Reuben E. Taylor*, of *Alburgh*, the exclusive right of keeping a ferry from the north west part of said town, across *Lake Champlain* to the western shore, in the state of *New York*—passed November 2, 1796.

An act establishing a boundary line between the towns of *Salisbury* and *Leicester*—passed October 20, 1796.

An act granting to *Samuel Williams*, Esq. the right of doing all the printing business for this state for the term of ten years—passed October 30, 1794.

An act to enable the freemen of the town of *Athens*, together with the freemen of the north part of *Brookline* to hold freemen's meetings in said *Brookline*, as therein described—passed March 4, 1797.

An act annexing part of the township of *Monkton* to *Starkborough*—passed March 4, 1797.

An act dividing the town of *Fairlee* into two separate towns—passed February 25, 1797.

An act altering the name of the township of *Salisbury* to that of *Plymouth*—passed February 23, 1797.

An act for making and repairing a road from the court house in *Rutland*, to *Salem*, in the state of *New York*—passed March 10, 1797.

An act appointing a committee to lay out and survey a post road from *Rutland* to *Vergennes*—passed March 3, 1797.

An act appointing a committee to lay out and survey a stage or post road from *Vergennes* to *Burlington*—passed Feb. 18, 1797.

An act appointing a committee to lay out and survey a post road from *Burlington* on *Onion River*, to the province line—passed March 8, 1797.

An act for the purpose of enabling a committee therein appointed, to straighten, lay out, and repair a road from the south line of *Salisbury*, to *Onion River* bridge—passed March 8, 1797.

An act granting to *John Holbrook*, *Samuel Dickinson* and *Lemuel Whitney*, all of *Brattleborough*, in the county of *Windham*, their heirs and assigns, the exclusive privilege of running a stage on the rout from said *Brattleborough*, on the post road to *Dartmouth College*, through that part of the rout which lies in this state, for the term of eight years—passed March 8, 1797.

An act altering the name of the town of *Littleton* to that of *Waterford*—passed March 9, 1797.

An act annexing part of *Windham* to *Londonderry*—passed October 21, 1797.

An act granting to *Aaron Post* the liberty to raise the waters in *Fairlee* lake, so called—passed November 20, 1797.

An act for the purpose of establishing a county grammar school at *Middlebury*, in the county of *Addison*—passed Nov. 8, 1797.

An act appointing a committee to lay out and survey a county road from the court house in *Chelsea*, in the county of *Orange*, to the court house in *Danville*, in the county of *Caledonia*—passed November 3, 1797.

An act laying out and establishing a post road through the towns of *St. Johnsbury* and *Lyndon*, in the county of *Caledonia*—passed November 8, 1797.

An act incorporating *St. Andrew's* gore into a township by the name of *Plainfield*—passed November 6, 1797.

An act describing the division line between the towns of *Burlington* and *Williston*—passed November 8, 1797.

ACTS and LAWS,

Passed in the Year 1801.

An act in addition to an act entitled "An act constituting the Supreme Court of Judicature and County Courts, defining their powers, and regulating Judicial proceedings."

Passed Nov. 5,
1801.

Whereas it is considered by some of the County Courts in this State, that they have concurrent jurisdiction with the Justices of the Peace in civil actions :

Preamble.

Therefore,

IT is hereby enacted by the General Assembly of the State of Vermont, That the several county courts shall not hear, determine or adjudge, on any action or suit, which is originally made cognizable before a justice of the peace ; unless such action or suit shall be entered in such court by appeal ; any law, usage or custom to the contrary notwithstanding.

County courts
not to have
concurrent ju-
risdiction with
Justice's.



An act in addition to an act entitled "An act constituting the Supreme Court of Judicature and County Courts, defining their powers, and regulating Judicial proceedings."

Passed Oct. 26,
1801.

IT is hereby enacted by the General Assembly of the State of Vermont, That if two of the judges of either of the county courts in this state are interested in any cause depending in either of the courts aforesaid, or are related to either of the parties, having any cause depending in any of the

Where two
judges of the
county court
are interested
or related, one
judge to try
the cause.

courts aforesaid, in either the first, second, third or fourth degree of affinity or consanguinity, or have been of counsel to either of the parties, then and in every such case, the remaining judge of said court shall have full power to hold the court for the trial of such cause.



Passed Oct. 27,
1801.

An act defining the duties of grand jurors, who may be appointed, agreeably to law, in the several towns in this state, for preserving and keeping the peace.

Preamble.

Whereas the duties of grand jurors, appointed by law, in the several towns in this state, for preserving and keeping the peace, are not clearly defined, or pointed out by law :

Which to remedy,

SECTION I.

Grand Jurors
duty.

IT is hereby enacted by the General Assembly of the State of Vermont, That it shall be the duty of the grand jurors of the several towns in this state, who are, or shall be hereafter appointed, and duly qualified to keep the peace, agreeably to law, to enquire into, and due presentment make, to proper authority, of all offences which may come to their knowledge, within their respective towns, against the laws and peace of this state, which they, in their conscience, shall think the design of the law and the good of community requires.

To make infor-
mation in
writing.

SEC. 2. *And it is hereby further enacted,* That it shall be the duty of such grand jurors to exhibit their information in writing, under their office oath, specifying the offence, subscribed with their name and signature of office, subjoining thereto a note of the names of the persons referred to as witnesses in support of such information. And each grand juror shall be allowed for such information, by him exhibited, twenty five cents ; and when it shall be necessary, in the opinion of the court to whom such information shall be exhibited,

Fees for infor-
mation.

that the attendance of such grand juror is necessary, he shall be allowed seventy seven cents for each day, and thirty four cents for each half day's necessary attendance, with six cents per mile for travel ; to be paid out of the treasury where, by law, such fine or forfeiture would (on conviction) have been returnable, upon presenting a certificate of such allowance, under the hand of the authority who had cognizance thereof.

For attendance.

Where to be paid.



An act in addition to an act entitled "An act directing the mode of passing Laws."

Passed Oct. 30,
1801.

It is hereby enacted by the General Assembly of the State of Vermont, That whenever the governor and council shall not, within five days concur in passing any bill received from the house of representatives, such bill may be sent back to the house of representatives, together with the reasons in writing, why the governor and council did not concur ; whereupon the house of representatives shall act upon such bill in the same manner as though it had been but once read in the house.— And if, upon reconsideration of such bill, the house of representatives shall pass the same, it shall be returned to the governor and council, for their revival, concurrence, or proposals of amendment, in the same manner, and the bill shall be considered as in the same stage it was when first sent to the governor and council.

Mode of passing laws where the governor and council do not concur.

Provided always, That the governor and council shall not return such bill to the house the second time in the manner provided in and by this act.

Proviso.



An act granting relief to collectors of state taxes, where erroneous returns of the general list shall happen.

Passed Oct. 26,
1801.

Whereas the listers of the several towns in this state,

Preamble

frequently make mistakes in making up the general list, in which case applications are made to this assembly for relief—Therefore,

Where mistakes are made in the general list, the select men and authority may abate the tax.

IT is hereby enacted by the General Assembly of the State of Vermont, That from and after the rising of this assembly, in all cases where the listers of any town make mistakes in making up the general list, in consequence of which the collector of such town is made accountable to the treasurer of the state, for a larger sum than he can collect of the inhabitants of such town, it shall be the duty of the select men and civil authority, in any town where such mistake shall happen, in making up the general list, and the collector is liable, as aforesaid, on application to them made by such collector for that purpose, to certify the sum which the treasurer's warrant commands him to pay beyond the sum which the real list of such town enables him to collect; and such sum, so certified, shall be accredited to said collector in his settlement with the treasurer; and all such certificates shall be good accounting on the part of the treasurer, to their full amount, in his annual or other settlement with the auditor or auditors, in the treasury department.



Passed Nov. 6,
1801.

An act in addition to an act entitled "An act defining what shall be deemed and adjudged a legal settlement, and for the support of the poor; for designating the duties and powers of the overseers of the poor; and for the punishment of idle and disorderly persons," and for repealing part of the same.

SECTION 1.

Select men may warn poor persons to depart the town.

IT is hereby enacted by the General Assembly of the State of Vermont, That whenever any person or persons shall come and reside within any town in this state, the select men of such town may, at their discretion, warn such person, or per-

sons, to depart said town ; which warning shall be directed to either constable of said town, and be in the following form, viz.

STATE OF VERMONT.

ff. To either Constable of A, in the
county of B, GREETING.

You are hereby required to summon C. D. now residing in A. to depart said town. Hereof fail not, but of this precept, and your doings herein, due return make, according to law.—Given under our hands, at A, this day of A. D.

Form of warning.

18.

E. F. }
G. H. } Select men of A.
I. K. }

Which precept shall be served on such person or persons, coming and residing as aforesaid, by such constable, in the same manner as is provided for the service of writs of summons, in the twenty sixth section of the act, entitled "An act constituting the supreme and county courts, defining their power, and regulating judicial proceedings;"—which precept the said constable shall return, with his proceedings thereon, to the town clerk of such town, within eight days after serving the same ; which precept and return it shall be the duty of the town clerk to enter on the records of said town.

Service.

SEC. 2. And it is hereby further enacted, That each and every person removing into, and residing within any town in this state, who shall be warned as is prescribed in the preceding section of this act, shall not be deemed and adjudged to have gained a legal settlement in such town, unless such person or persons, is or are, discharged from such warning, by a vote of said town, in a legal town meeting warned for said purpose.

No person under warning to gain a legal settlement.

SEC. 3. Provided nevertheless, And it is hereby further enacted, That if any person or persons, removing into, and residing within any town in this state, shall, by the inhabitants of such town, be chosen into either of the offices of select men, town clerk, constable, grand juror or lister, and serve the town in such capacity one whole year, he or they shall be considered as gaining a legal

Proviso.

settlement in such town ; any thing in this act to the contrary notwithstanding.

Persons not warned within one year shall acquire legal settlement.

SEC. 4. *And it is hereby further enacted, That all and every person coming into, and residing within any town in this state, who shall not be warned agreeably to the first section of this act, within one year after he or she removes into such town, shall be deemed and adjudged to have attained a legal settlement in such town.*

Preamble to 3th section.

And whereas difficulties have arisen in procuring two justices of the peace, not inhabitants of the towns concerned, to hear and determine certain causes, and issue certain warrants and orders, as mentioned in the act, to which this is an addition :

Therefore,

Any two justices of the county may issue warrants of removal.

SEC. 5. *It is hereby further enacted, That any two justices of the peace, of the county in which any town lies, which shall take any advantage of said act, shall to all intents and purposes, be competent to hear and determine any cause mentioned in said act, and to issue any warrant or order therein specified, whether they be inhabitants of such town or not ; any thing in said act to the contrary notwithstanding.*

Persons removed from any town who shall return may be whipped.

SEC. 6. *And it is hereby further enacted, That if any person who shall be removed from any town in this state, as provided in the third section of the act to which this is an addition, shall return to reside within the same, without the permission of the select men of such town, and be thereof convicted, he, she or they shall be whipped, not exceeding ten stripes, at the discretion of the justice of the peace before whom such trial shall be had.*

First section of the old act repealed.

SEC. 7. *And it is hereby further enacted, That the first section of the act to which this is an addition, be, and the same is hereby repealed.*



Passed Nov. 6,
1801.

An act explanatory of an act entitled "An act relating to gaols and gaolers, and for the relief

of persons imprisoned therein," passed the ninth day of March, one thousand seven hundred and ninety seven.

Whereas doubts have arisen on the construction of the tenth and eleventh sections of the act relating to gaols and gaolers, and for the relief of persons imprisoned therein, passed March the ninth, one thousand seven hundred and ninety seven : which sections respect the admission to the liberties of the gaol yard, in these expressions ; — " any person imprisoned in gaol, on mesne process, or upon execution, formed on a proper action of debt, covenant, contract or promise," " such person first giving bond to the Sheriff of the county in which he shall be imprisoned," in such manner as is therein provided— And whereas in and by said act, it is uncertain how far bonds given as aforesaid, for the admission of persons imprisoned on mesne process, as aforesaid, to the liberties of any gaol yard in which he may be so imprisoned, shall operate and bind the signers to such bonds— Which to explain,

Preamble.

IT is hereby enacted by the General Assembly of the State of Vermont. That whenever bonds shall be given as aforesaid, for the admission to the liberties of any gaol yard, of any person therein imprisoned on mesne process, within the purview of said act, such bail shall have the same privilege of exonerating himself, by delivering up the principal, as the bail signing on the back of the attachment, without commitment.

Where bonds are given for the liberties of the yard on mesne process the bondsman may deliver up the principal.



An act in addition to an act entitled " An act for the limitation of suits on penal statutes, criminal prosecutions and actions at law."

Passed Oct. 21
1801

Whereas suitable provision was omitted to be made in said act, to secure the lands granted for public or pious uses, or lands belonging to this State—

Preamble.

Therefore,

IT is hereby enacted by the General Assembly of the State of Vermont, That nothing contained

Limitation law
not to affect
public lands.

in the said act, shall be construed to affect the title of any lands granted, given, sequestered or appropriated for public or pious uses, or lands belonging to this state ; and any possessory action, or action of ejectment, may be commenced or prosecuted for the recovery of any such land or lands ; any thing in the aforesaid act to the contrary notwithstanding.



Passed Nov. 4,
1801.

An act in addition to an act entitled " An act for the punishment of certain inferior crimes or misdemeanors," passed the fourth day of March, A. D. one thousand seven hundred and ninety seven.

SECTION 1.

Innkeepers and
others prohibi-
ted from keep-
ing implements
for gaming.

IT is hereby enacted by the General Assembly of the State of Vermont, That if any inn-keeper, or person licenced to keep a house of public entertainment, or any other person, shall keep in or about his or her house, yards, gardens, or other dependences, any cards, dice, shuffle boards, or billiards, or any other implement of gaming, and shall suffer any person or persons, resorting to his, her or their house, to use or exercise any of the aforesaid implements, used in gaming, for any liquors or sum of money, goods or chattels, whether said implements, so used, shall belong to said inn-holder, or any other person, or persons, he, she or they, shall forfeit and pay a fine of three dollars, for the first offence, and six dollars for each succeeding offence, to the use of the town in which the offence is committed, to be recovered before any court proper to try the same.

Fine.

Persons win-
ning or losing
by gaming to
the amount
of 25 cents to
pay a fine.

SEC. 2. *And it is hereby further enacted,* That if any person shall win or lose any liquors, goods or money, to the value of twenty five cents, by the use of any of the aforesaid implements, every person so offending, shall forfeit and pay a fine not exceeding three, nor less than one dollar ; one moiety thereof to the use of the town in which the offence shall be committed, and the other moiety

to any person who shall prosecute the same to effect, together with costs of prosecution. And any justice of the peace within his county, is hereby authorized and empowered to hear, try and determine every offence against this act; and such determination shall be final. And it shall be, and is hereby made the duty of the grand jurors to prosecute every offence committed in their respective towns, against this act. And it is hereby declared to be the duty of the town treasurers, in their respective towns, and they are directed to prosecute every breach of the thirteenth section of the act to which this is an addition.

Grand Jurors
duty to prosecute.

Town treasurer's to prosecute.

SEC. 3. *And it is hereby further enacted,* That the twelfth section of the act to which this is an addition, be, and the same is hereby repealed.

12th section of
an act repealed.



An act in addition to, and in alteration of an act, entitled "An act for the due observation of the Sabbath;" and also in addition to "An act constituting the Supreme Court of Judicature and County Courts, defining their powers, and regulating Judicial proceedings."

Passed Nov. 2,
1801.

SECTION 1.

IT is hereby enacted by the General Assembly of the State of Vermont, That from and after the first day of February next, no person in this state, after the setting of the sun on the day preceding the first day of the week, until after the hour of twelve at night, on the said first day of the week, shall serve or execute any writ, process, warrant or decree (except escape warrants, and warrants for apprehending the principal in favour of bail, and in cases of treason, felony and breach of the peace) but the service thereof shall be null and void; and the person serving the same, shall be as liable to answer damages to the party aggrieved, as if he had done the same without any writ, process, warrant, order, judgment or decree; any law, usage or custom to the contrary notwithstanding.

No civil process to be served between sunset the night preceding and 12 o'clock the night succeeding the first day of the week.

Gaming, recreation, &c. prohibited during the time aforesaid.

Fine.

SEC. 2. *And it is hereby further enacted, That from and after the first day of February next, no person in this state, after the sitting of the sun the day preceding the first day of the week, until after twelve of the clock at night, on the said first day of the week, shall hold, or resort to any ball or dance—use or exercise any games, sports or plays—or resort to any tavern, inn or house of entertainment, for amusement or recreation: and any person herein offending, on conviction thereof, shall forfeit and pay to the treasurer of the town in which the offence is committed, a sum not exceeding two dollars; any law, usage or custom to the contrary notwithstanding.*



Passed Nov. 3,
1801.

An act in addition to, and alteration of an act, entitled “An act for the support of the Gospel.”

Preamble.

Whereas many of the good citizens of this state have represented to the general assembly, that the aforesaid act appears to them a direct violation of the third section of our bill of rights, an infringement of those unalienable rights which the good of society never requires to be resigned, and a compulsion of conscience in religious worship—Therefore,

SECTION I.

4th and 5th section and providing clause repealed.

IT is hereby enacted by the General Assembly of the State of Vermont, That the fourth and fifth sections, and the providing clause of said act, are hereby repealed.

Legal voters to be considered as of the religious opinion with a majority, unless he enters a certificate on record.

SEC. 2. *And it is hereby further enacted, That every person of adult age, being a legal voter in any town or parish, shall be considered as of the religious opinion and sentiment of such society as is mentioned in said act, and be liable to be taxed for the purposes mentioned in said act, unless he shall, previous to any vote authorized in and by said act, deliver to the clerk of said town or parish, a declaration in writing, with his name thereto subscribed, in the following words, viz. “I do*

not agree, in religious opinion, with a majority of the inhabitants of this town (or parish, as the case may be.) L. R.

Form of Certificate.

Which declaration it shall be the duty of the clerk of such town or parish, immediately to enter on record in his office; which declaration, recorded as aforesaid, shall exempt such person and his property from being taxed for the purposes mentioned in said act.

SEC. 3. And it is hereby further enacted, That every person of adult age, being a legal voter, who shall remove into, or reside in any town or parish, in which there shall be a minister settled or employed, agreeably to the tenor of the aforesaid act, shall be considered as being of the religious opinion and sentiment with the major part of the society in which he resides, and be liable to pay taxes, as mentioned in said act, after one year's residence, unless he shall deliver his declaration to such town or parish clerk, as provided in the last preceding section.

Persons removing into town shall be considered as of the same religious opinion, unless he enters a certificate.

Provided always, That if any person shall be absent from any town or parish in which he resides, at the time of the warning of a meeting for any purpose contemplated in said act, and shall not return until after the taking of the vote upon the matters contained in such warning, such person shall have a right, for the purpose aforesaid, to enter his dissent with the town or parish clerk, as aforesaid, within one month after such return.

First Provide.

Provided always, That if any person removing into, or belonging to such town or parish, who was either in the minority of said vote, or who was not at the meeting, at the time of passing such vote — or if any person in the majority of said vote shall, at any time after, alter his religious sentiments, any such person shall have liberty to enter his dissent, in writing, on the records of the town or parish, as aforesaid, and on paying up all taxes and assessments until that time, and for the whole of the year in which such dissent is made, shall forever thereafter be released from any further taxation, for the support of such minister, belonging to such town or parish; any thing contained in any act to the contrary notwithstanding.

Second Provide.

Provided also, And it is hereby further enacted,

Third proviso.

That this act shall not be construed to effect, alter or make void, any written agreement or contract, voluntarily made and entered into by, and between the individuals of any such town or parish, for the settlement or support of a minister, or for the building a meeting house ; but shall be construed to effect such proceedings only, as have been passed by general votes in such towns and parishes respectively.



Passed Nov. 2,
1801.

An act in addition to an act entitled "An act relating to weights and measures."

Preamble.

Whereas it appears to this general assembly that in some of the counties and towns in this state, the county treasurers and the select men of the several towns, have neglected to procure the standard weights and measures, required by said act—And whereas no directions are given, by said act, to any public or informing officer to prosecute for the breaches of the same—Therefore,

State's Attornies and G. Jurors to prosecute relative to weights and measures.

IT is hereby enacted by the General Assembly of the State of Vermont, That it shall be the duty of the several State's Attornies, and empannelled grand jurors, within their several counties, to prosecute all breaches of the aforesaid act, so far as it relates to the delinquent county treasurers, or select men, from and after the first day of June, A. D. one thousand eight hundred and two.



Passed Nov. 5,
1801.

An act to punish Duelling.

SECTION 1.

Any person killing another in a duel shall

IT is hereby enacted by the General Assembly of the State of Vermont, That if any person, from and after the passing of this act shall, within this

state, fight a duel, and shall kill any person in fighting such duel, he shall suffer death, as in cases of murder.

suffer death as a murderer.

SEC. 2. *And it is hereby further enacted,* That if any person or persons shall fight a duel, or shall give or accept a challenge to fight a duel, or if any person or persons shall serve as a second in any duel, or shall knowingly and wittingly be the bearer of any challenge, from one person to another, to fight a duel, if such crime be committed within this state, shall, on conviction thereof, before the supreme court, pay a fine not exceeding the sum of one thousand dollars, nor less than fifty dollars, and shall be forever incapable of holding any office of honor or profit, or of enjoying the privileges of a freeman within this state.

Persons fighting a duel, or giving or accepting a challenge, or being a second, or carrying a challenge, shall be fined.



An act altering the times for holding the County Courts in the County of Orleans.

Passed Nov. 4, 1801.

I *It is hereby enacted by the General Assembly of the State of Vermont,* That after the present year, the County Courts, within and for the county of Orleans, shall be holden on the first Monday of March, and the fourth Monday of August annually; any law to the contrary notwithstanding.

Orleans County Courts altered.



An act repealing an act entitled "An act for the preservation of Fish and Musk Rats," passed the third day of March, A. D. one thousand seven hundred and ninety seven.

Passed Nov. 5, 1801.

I *It is hereby enacted by the General Assembly of the State of Vermont,* That an act passed March the third, one thousand seven hundred and ninety seven, entitled "An act for the preservation of fish and musk rats," be, and the same is hereby repealed.

Act respecting fish and musk rats, repealed.

Passed Nov. 4,
1801,

An act in addition to an act entitled "An act relating to the office and duty of Secretary of State."

Secretary of
State to make
out a list of
land taxes for
roads.

IT is hereby enacted by the General Assembly of the State of Vermont, That the secretary of state be, and he is hereby directed to make out and lay before the General Assembly, at their next session, a correct list or return of all the taxes which have heretofore been granted on the several towns in this state, for the purpose of making and repairing roads and building bridges; including also, all the taxes which have, or may be granted the present session. Which list thus made out, and laid before the assembly, he shall keep in his office, at the place where the legislature shall stat- edly set, for the use of the members, from year to year; adding thereto annually such future taxes as may be granted for the purpose aforesaid. And in such list it shall be the duty of the secretary to specify the times at which such taxes were severally granted, and the particular sum or sums of such taxes respectively.



Passed Nov. 3,
1801.

An act in addition to and alteration of an act entitled "An act in addition to an act, entitled an act directing the publication of advertisements in the news papers therein mentioned"—passed the fifth day of November, A. D. one thousand seven hundred and ninety nine.

Preamble.

Whereas since the passing of the aforesaid act, "a news paper has been established in the town of Burlington, in the county of Chittenden, bearing the title of the "Vermont Centinel," and one other paper has been established in the town of Randolph, in the county of Orange, bearing the title of the "Weekly Wanderer."

SECTION 1.

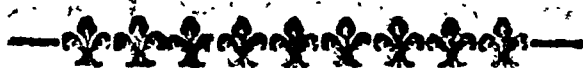
IT is hereby enacted by the General Assembly of the State of Vermont, That from and after the

first day of January next, all advertisements for warning proprietors meetings, and for the sale of lands by proprietors collectors, and all other collectors of land taxes, and of committees for notifying land owners to work out road taxes, and of giving notice to land owners that application will be made to the legislature for taxes, where the lands lie within the counties of *Chittenden* and *Franklin*, shall, in addition to their being published in the "*Rutland Herald*," printed at *Rutland*, and in the "*Vermont Journal*," printed at *Windsor*, be published in the "*Vermont Centinel*," printed at *Burlington*; and where the lands lie within the county of *Orange*, they shall be published in the "*Weekly Wanderer*," printed at *Randolph*.

Where lands lie in *Chittenden* and *Franklin* counties, advertisements to be published in the "*Vermont Centinel*."

In *Orange* county do. in the "*Weekly Wanderer*."

SEC. 2. And it is hereby further enacted, That from and after the time above mentioned, it shall not be necessary to publish any of the foregoing advertisements, respecting lands lying in the counties of *Chittenden* and *Franklin*, in the "*Vergennes Gazette*," printed at *Vergennes*.



An act in addition to an act entitled "An act in addition to, and alteration of an act, entitled an act in addition to an act, entitled an act directing the publication of advertisements in the news papers therein mentioned."

Passed Nov. 6,
1801.

IT is hereby enacted by the General Assembly of the State of *Vermont*, That if any of the printers in this state shall discontinue the publication of any news paper, in which, by the laws of this state, it is made necessary to publish any advertisement or notification respecting taxes on lands, proprietors proceedings, or any other advertisements, particularly mentioned in the act aforesaid, such advertisements or notifications, if published in such other news papers, as in the aforesaid act directed, shall, during the discontinuance of such first mentioned news paper, be in all respects lawful, good and valid; any law to the contrary notwithstanding.

When any news paper is discontinued, the publishing in the others to be legal.

Passed Nov. 2,
1801.

An act in addition to an act entitled "An act appointing State's Attornies and Clerks of the Supreme Courts, in the several counties of this state, and regulating their office and duty," passed November tenth, one thousand seven hundred and ninety seven.

Preamble.

Whereas there is a want of uniformity in the several accounts made out and exhibited to the General Assembly, by the Clerks of the Supreme Court of Judicature, and the present mode of passing the same is both inconvenient and expensive to the government and to such clerks :

Therefore,

Supreme court
to allow their
clerks accounts.

IT is hereby enacted by the General Assembly of the State of Vermont, That the judges of the supreme court of judicature, or a quorum of them be, and they are hereby authorized and empowered, upon the exhibit of the several accounts of the clerks of said court, for services done by virtue of their offices, to examine, audit and adjust the same, and draw orders on the treasurer of this state, for the amount thereof ; which said accounts thus passed, shall in all cases accompany the orders thus drawn ; and the treasurer for the time being, is hereby directed to pay the amount of said orders ; any thing in the act to which this is an addition to the contrary notwithstanding.



Passed Nov. 5,
1801.

An act to prevent damage which may be done by timber, to the owners of lands lying on and adjoining Connecticut River.

SECTION I.

Proceedings
relative to timber
lodging on
the bank of
Connecticut
river, north of
Windsor county

IT is hereby enacted by the General Assembly of the State of Vermont, That from and after the first day of May next, if any timber, such as masts, spars or logs, of any kind, which have been, or may be put into the river Connecticut, or the streams running into it, and which have been, or may be, by the waters thereof, carried or lodged

on any improved lands adjoining the same, in this state, at any place to the north of the south line of the county of *Orange*, and which may not be taken away by the owner thereof, or his agent, within ten days next after the same shall be lodged as aforesaid, and the waters subsided and gone from off the lands where said lumber shall be so lodged, all such logs, masts and spars, shall become forfeit. And it shall and may be lawful for the owner or owners, occupier or occupiers of said land, his or their agent or agents, to dispose of the said lumber, to his or their own use and benefit.

SEC. 2. *Provided always, And it is hereby further enacted*, That if any owner or owners of said timber, that may be so lodged on any improved lands, as aforesaid, or their agent or agents shall, at any time within ten days after said timber may be so lodged, as aforesaid, on any improved lands, as aforesaid, and the waters have subsided and gone off, as aforesaid, shall procure the select men of any town, where the said timber may or shall be lodged, as aforesaid, to appraise the damage done to the owner or owners, or occupant or occupants of such improved lands where such timber may be lodged, as aforesaid, which hath accrued to the owner or occupier of said improved lands, as aforesaid, on account of the timber having been lodged, as aforesaid; and also procure the said select men, or a majority of them, to ascertain the cost of piling or heaping said logs in some convenient place, for the owner to take when he shall see fit; in such case, the timber shall not be forfeit. *Provided*, the owner or owners of said timber, or their agent or agents, shall pay or tender to the owner or owners, or occupier or occupiers of such improved lands, such sum or sums of money as may be assessed by said select men, for the damages done, and the costs and charges of heaping or piling said timber, as aforesaid.

First proviso.

Owners of timber may procure select men to appraise damages.

SEC. 3. *Provided also, And it is hereby further enacted*, That if the owners of said timber or their agents, shall not, within thirteen calendar months, after any logs or timber may be heaped on any person's improved grounds, as aforesaid, remove the same from off the said grounds, as aforesaid,

Second proviso.

the said logs or timber shall be forfeit to the owner or occupiers of said improved grounds, where they may be heaped as aforesaid.

Third Proviso.

Provided also. That the owners of said timber shall be liable to pay the owners or occupiers of said improved lands, all the damages that shall arise in consequence of said logs or timber being drawn over their improved ground.

Proceedings
relative to tim-
ber lodging on
the banks of
Conn. River,
south of Or-
ange county.

SEC. 4. *And it is hereby further enacted,* That from and after the first day of May next, if any timber, such as masts, spars or logs of any kind, which have been, or may be put into the said river *Connecticut*, or the streams running into it, and which have been or may be, by the waters thereof, carried or lodged on any improved lands adjoining the same, in this state, at any place south of the north line of the county of *Windsor*, and which may not be taken away by the owner or owners thereof, his or their agent or agents, on or before the twentieth day of May, in any year hereafter, it shall be the duty of the owner or owners, occupier or occupiers of said land, to lodge a list, by him subscribed, of such timber, with the town clerk of the town where such timber may be lodged, of the number of masts, spars and logs, with the marks on the same, on or before the last day of June following, in each year; and the town clerk shall enter the same on his book of records, for which he shall be paid the usual fees for recording, as in other cases, by the owner of said lumber, if the same shall be taken away by him, otherwise to be paid by the person or persons to whom said lumber shall be forfeited. And if any owner of logs, masts or spars, recorded as aforesaid, or his agent, shall not take away the same, on or before the first day of January, in each year, after the time limited for such record, all such logs, masts and spars, shall become forfeit; and it shall and may be lawful for the owner or owners, occupier or occupiers of said lands, his or their agent or agents, to dispose of the same to his or their use and benefit.

Owners of
timber to pay

SEC. 5. *And it is hereby further enacted,* That when any lumber, as aforesaid, shall be lodged on any lands annually used and improved for mowing or plowing, the owner or owners thereof, shall be

liable to pay to the owner or owners, or occupier or occupiers of said lands, all such damages as shall be done to said lands thereby, before the same shall be by him or them removed; to be estimated by the select men of the town where said lands lie.

damages before they remove timber.

SEC. 6. *And it is hereby further enacted,* That if any owner or owners of lumber, lodged as aforesaid, or their agents, shall, at any time previous to the first day of January next after the records shall be made as aforesaid, pay such damage to the owner or owners, occupier or occupiers of any lands, on which any timber, as aforesaid, shall have lodged, as they shall sustain by the said timber lodging as aforesaid, and compensation for removing or piling the said timber, in cases in which the owners or occupiers have removed and piled the same, to be assessed by the select men of the town in which such damage shall have been sustained, the said owner or owners shall be at liberty to remove the said timber from such improved lands, any time previous to the first day of June next after such records shall have been made as aforesaid. And any such timber, which shall not be so removed before the first day of June, shall become forfeit to the owner or owners, occupier or occupiers of such improved lands.

Owners of timber on paying costs and damages before the 1st day of Jan. after the timber is recorded may have the same.

SEC. 7. *And it is hereby further enacted,* That in case any of the lumber aforesaid, hath been or shall be lodged, or carried on as aforesaid, upon any unimproved lands, and the owner wishes to clear the same for improvement, he shall proceed in the same manner as is provided in the fourth section of this act, in recording the same; and the lumber, when recorded, shall become forfeit, unless the same be removed by the owner or owners thereof, or their agent or agents, within the term of thirteen calendar months after being so recorded as aforesaid.

Relative to timber lodging on unimproved land.

SEC. 8. *And it is hereby further enacted,* That if any person or persons shall stop any masts, spars or logs, and confine them in any place, so as to prevent them from floating down the said river, that are or shall be marked with any owners name or mark, or make use of or dispose of the same, other than such as may become forfeit, as before provided in this act, he shall forfeit and pay such

Persons stopping timber floating down the river to pay treble the value.

owner or owners, three times the value of said lumber, to be recovered in any court proper to try the same.

Act repealed. SEC. 9. *And it is hereby further enacted, That the act entitled "An act relating to pine and other timber floating on Connecticut River, or lodging on its shores," passed the sixth day of November, one thousand eight hundred be, and hereby is repealed.*



Passed Nov. 4, 1801. An act in addition to an act entitled "An act directing the organization of the county of *Essex*."

Preamble. *Whereas it is found inconvenient to hold the county courts in said county, in the places by law now established, and that a permanent place may be established, and buildings erected for said county :*

Therefore,

SECTION 1.

Committee to fix a place for Essex county buildings.

IT is hereby enacted by the General Assembly of the State of Vermont, That James Whitelaw, Walter Brock, and Jonathan Elkins, jun. Esquires, be appointed a committee to examine the situation of said county, and fix upon a place to erect said public buildings upon ; which determination of said committee, or a majority of them, made in writing, shall be final and conclusive. And the expense of said committee shall be paid by the town in which said committee shall fix the stake for said buildings to be erected.

If the town in which the stake is fixed do not erect the buildings they shall be liable to be removed.

SEC. 2. *And it is hereby further enacted, That if the town in which said committee shall fix the stake, as aforesaid, shall not, at their own expense, erect and finish a court house and gaol, to the acceptance of the judges of the county court of said county, for the time being, within two years from the time said committee shall fix upon a place as aforesaid, the public buildings aforesaid, shall be liable to be erected in any other place, by a future act of this assembly.*

SEC. 3. *And it is hereby further enacted, That the county court, to be holden at Brunswick, in said county, on the third Monday of June next, shall be holden at such place, in the town in which the aforesaid committee shall fix the place for erecting said county buildings, as the judges of said county court shall determine; and that part of the aforesaid act, directing the courts to be holden at Brunswick, is hereby repealed.*

Court removed from Brunswick.

Provided however, That the committee aforesaid, shall fix the stake, as aforesaid, within six weeks from the passing of this act.

Stake to be fixed in six weeks.



An act in addition to an act entitled "An act for the distribution of Laws, Journals, and other public papers."

Passed Oct. 31, 1801.

Whereas by the said act, it is made the duty of the Sheriffs of the several counties, upon the receipt of the Laws, Journals, and other public papers from the State Printer, to distribute the same to the several town clerks, within their respective counties; and the fees of said Sheriffs are for each separate distribution as aforesaid, fixed, excepting for the county of Essex.

Preamble.

IT is hereby enacted by the General Assembly of the State of Vermont, That the sheriff of the county of Essex, shall be entitled to receive from the treasury of this state, for each separate distribution of the laws, journals, or other public papers, which is by the said act made his duty to distribute, four dollars.

Sheriff of Essex county allowed 4 dolls. for distributing each packet of laws, &c.



An act establishing the gaol of the county of Franklin, a prison for receiving and safe keeping prisoners, committed under the authority of the United States.

Passed Oct. 16, 1801.

SECTION 1.

Franklin county gaol made a gaol for U. S.

IT is hereby enacted by the General Assembly of the State of Vermont, That the common gaol in the county of Franklin, in addition to the purposes for which it is now used, shall be a gaol for receiving and safe keeping, such prisoners as shall be committed under the authority of the United States, until they shall be discharged by due course of law.

The keeper required to receive and keep U. S. prisoners.

SEC. 2. And it is hereby further enacted, That the keeper of the said gaol is hereby required to receive and keep such prisoners, in like manner, and under the same restrictions, reservations and provisions, that are contained in the eighteenth and nineteenth sections of an act, entitled "An act relating to gaols and gaolers, and for the relief of poor persons confined therein," passed March the ninth, one thousand seven hundred and ninety seven.



Passed Oct. 30, 1801.

An act to establish the salaries of the Governor and Treasurer of this State.

Preamble.

Whereas much time has been yearly expended to enquire into and fix the sum which shall be annually paid, as a salary, to the Governor :—To prevent these enquiries in future, and thereby save much expence to the State;

SECTION 1.

Governor's salary.

IT is hereby enacted by the General Assembly of the State of Vermont, That there shall be hereafter allowed to the governor of this state, the sum of seven hundred and fifty dollars, as each year's established salary ; to be paid by the Treasurer of this state, in equal quarter yearly payments ; the first quarter to be paid on the second Thursday of January next, and so on, by quarter yearly payments, till the year is completed.

SEC. 2. And it is hereby further enacted, That

there shall be allowed, as a yearly salary to the Treasurer of this State, the sum of four hundred dollars. Treasurer's salary.



An act supplementary to an act, entitled "An act for regulating and governing the Militia of this State. Passed Nov. 4, 1801.

Whereas the present mode of collecting fines under the said act, is not only uncertain, but expensive— Preamble.

Therefore,

SECTION I.

IT is hereby enacted by the General Assembly of the State of Vermont, That every non commissioned officer or soldier, in the militia of this state, who shall forfeit any sum of money, set and affixed to any default or offence, mentioned in the said act, shall be allowed twelve days from the time of such forfeiture, to make his excuse to the captain or commanding officer of the company to which he belongs; but if he shall neglect to make such excuse, within the time aforesaid, or if the captain or commanding officer of said company, shall consider his excuse insufficient, it shall be the duty of such captain or commanding officer, to issue a notification to the delinquent in the following words, to wit.

Mode of proceeding in collecting fines of non commissioned officers and privates in the militia.

STATE OF VERMONT.

ff. To orderly sergeant
[or other sergeant as the case may be] of the
company, in the regiment, brigade,
and division of the militia of this state.

Form of notice.

GREETING.

BY the Authority of the State of Vermont, You are hereby commanded forthwith, to give notice to of in the county of
who is subject to military duty in
said company, that he is amerced in a fine, of the sum of dollars, cents. [Here describe the default, and the time of its commission.]

And unless he shall within twelve days after the day of service hereof, procure and deliver, or cause to be delivered to me, a certificate in writing, from under the hand of one of the field officers of said regiment [*or battalion, as the case may be*] certifying that the said field officer, doth remit unto, and excuse him, the said _____ from such amercement, that execution will issue against him for the same.—Hereof fail not, but of this precept, with your doings hereon, make due return within six days from the date hereof.—*Dated at this _____ day of _____ A. D. _____*

E. W. } Captain [*or commanding officer of said company.*]

How served.

Which notification shall be served by being read in the hearing of such delinquent, or by leaving a true and an attested copy thereof, at his last and usual place of abode; and it shall be the duty of such sergeant, to make return of such notification, with his doings thereon, to such captain or commanding officer, within six days after receiving the same.

If the delinquent doth not in 12 days procure a certificate from a field officer, execution to issue.

SEC. 2. *And it is hereby further enacted, That if such delinquent shall not, within twelve days after the service of such notification as aforesaid, procure a certificate from under the hand of one of the field officers as aforesaid, directing such captain or commanding officer to remit such fine, such captain or commanding officer shall issue his execution for the same, in the following form, as near as circumstances will permit.*

STATE OF VERMONT.

Form of execution.

*To _____ orderly sergeant, [*or other sergeant, as the case may be,*] of the company of dragoons, [*artillery, light infantry, or infantry,*] in the _____ regiment, _____ brigade, and _____ division of the Militia of this state.*

*Whereas _____ of _____ in the county of _____ was on the _____ day of _____ A. D. _____ by _____ Captain, [*or commanding officer of the aforesaid company,*] amerced in the sum of _____ dollars, _____ cents, for delinquencies of military duty—Therefore,*

BY the Authority of the State of Vermont, You are hereby commanded to levy and collect, from

the goods, chattels or estate of _____ of _____
in the said county of _____ the sum of said a-
mercement, amounting to _____ dollars, _____
cents ; and for want of such goods, chattels or
estate, commit the body of him, the said _____
to the keeper of the gaol in _____ in the county
of _____ within the said prison, who is hereby
commanded to receive the said _____ and him
safely keep, until he shall pay the same, together
with all legal fees. Hereof fail not, and make due
return to me of your doings hereon, within sixty
days from the date. Dated at _____ this
day of _____ A. D. _____

E. W. } Captain, [or command-
ing officer.]

Which orderly sergeant, or other sergeant to
whom the same shall be directed, shall have all the
powers, and receive the same fees in levying, col-
lecting and returning such execution, as are by
law allowed sheriffs and constables, for collecting
other executions.

SEC. 3. *And it is hereby further enacted, That*
the keeper of the common gaol in the county to
which any delinquent belongs, is hereby com-
manded to receive and safely keep such delinquent,
until such execution is fully paid, and all costs aris-
ing thereon, or that he be otherwise discharged by
order of law.

Provided nevertheless, That if any delinquent
shall reside within any county in which there is
not a sufficient gaol, such delinquent shall be com-
mitted to the nearest gaol in any other county ;
the keeper of which is commanded to receive the
said delinquent, in the same manner as though he
was a resident of the same county.

SEC. 4. *And it is hereby further enacted, That*
no section or clause contained in the act to which
this is a supplement, shall be construed so as to
excuse any corporal or musician from doing duty
as a private, on removing from one town or com-
pany to another, or to excuse any sergeant from
doing duty in the company to which he may re-
move, provided he shall be again elected to serve
in as high a grade ; any thing in said act to the
contrary notwithstanding.

SEC. 5. *And it is hereby further enacted, That*

Orderly or oth-
er sergeant,
power to col-
lect executions.

Keeper of the
gaol's duty to
receive and safe
keep delinquent
when commit-
ted.

Where there is
no gaol in the
county, milita-
ry delinquents
may be com-
mitted to the
gaol in the
next county.

Corporals and
musicians not
freed from mil-
itary duty.

Nor sergeants,
if elected to as
high a grade.

This act and such sections of the militia act as relates to fines to be read once a year.

the captain or commanding officer of each company in this state, shall cause this act, together with such other sections in the aforesaid act as relate to fines, to be read at the head of his company at least once in each year.

Repealing clause.

SEC. 6. *And it is hereby further enacted,* That there be, and hereby is repealed, in the aforesaid act, all and every matter, contrary to the directions of this statute, particularly the two providing clauses contained in the sixteenth section, together with the whole of the nineteenth and thirty sixth sections.



Passed Nov. 6,
1801.

An act to encourage the increase of SHEEP.

SECTION I.

For every sheep not exceeding 20, shorn before the 20th of June, the owner to have one dollar deducted from his list.

IT is hereby enacted by the General Assembly of the State of Vermont, That every person shall be entitled to a deduction from his list of polls and rateable estate, of one dollar for each and every sheep, not exceeding twenty, by him or her shorn, between the tenth day of May and the twentieth day of June; provided said sheep were owned by him or her, on the said twentieth day of June, previous to the time appointed by law, for delivering the list of individuals to the listers; and to the intent that the aforesaid deduction may be made, each person claiming the same, shall, together with his or her list of polls and rateable estate, deliver to the listers, an amount of the number of sheep by him or her so shorn, as aforesaid, and give to such listers evidence, to their satisfaction, of the truth of such account.

Persons driving sheep to market.

SEC. 2. *And it is hereby further enacted,* That every person driving sheep to any distance greater than one mile, within this state, except such as are removing into the same; and farmers belonging to this state, driving from one farm to another, shall mark every sheep so driven, by some uniform, obvious and distinguishing mark, made of a colour readily distinguishable from the colour

of the sheep on which it shall be placed. And any person or persons, driving sheep as aforesaid, without such mark, shall forfeit fifty cents for every sheep belonging to him, her or them, so driven as aforesaid, one half to the complainer, and the other half to the treasurer of the town where the conviction shall be had. And if any person or persons driving sheep as aforesaid, shall drive other sheep than his or their own, for the distance of two miles, he or they shall forfeit and pay to the owner of such sheep, one dollar for each sheep so driven, to be recovered before any court proper to try the same.

Forfeiture for not marking.

Penalty for driving other sheep than his or their own.

SEC. 3. *And it is hereby further enacted, That for and during the term of ten years from the passing of this act, no sheep or lambs shall be liable to be taken on execution, unless the owner of them shall be possessed, in his or her own right, of a greater number than ten, in which case ten only shall be exempt: any law, usage or custom to the contrary notwithstanding.*

Ten sheep exempt from execution.



An act to enable the proprietors and land owners of the town of *Athens*, to divide their common lands, by making pitches of the same.

Passed Oct. 29, 1802.

Whereas it appears to this Legislature, that their remains in the town of Athens, in the county of Windham, a small tract of common or undivided lands, which it would be extremely difficult for the proprietors and owners to divide in the mode now prescribed by law—Therefore,

Preamble.

SECTION 1.

IT is hereby enacted by the General Assembly of the State of Vermont, That leave be, and is hereby given to the proprietors and owners of the undivided lands of the said township of *Athens*, to make division of their said common or undivided lands, into severalty, by pitching the same.

Proprietors of Athens power to pitch their undivided lands

SEC. 2. *And it is hereby further enacted, That*

said proprietors and owners, are hereby fully authorized and empowered, at any meeting which now is, or hereafter may be legally warned, to pass any necessary votes for designating said pitches, and carrying the same into effect. And the records of such votes and proceedings of said proprietors, may be shown in any court of law in this state, as evidence of a legal division of said common or undivided lands; any law or custom to the contrary notwithstanding.



Passed Oct. 28, An act constituting and establishing a company of
1801. Artillery in the town of St. Albans.

Preamble.

Whereas Thaddeus Rice, John Hastings, James Godfrey, Reuben Rice, and others, to the number of forty persons, all of St. Albans, in the county of Franklin, having voluntarily associated themselves, have preferred to this General Assembly their petition, praying that they may be constituted and established a company of Artillery, in the second regiment, seventh brigade, and third division of the Militia of this State : Therefore,

SECTION I.

Artillery company established in St. Albans.

IT is hereby enacted by the General Assembly of the State of Vermont, That the said Thaddeus Rice, John Hastings, James Godfrey, Reuben Rice, and others, their associates be, and they are hereby constituted and established a company of artillery, in the said second regiment, in the seventh brigade and third division of the militia of this state; invested with all and singular the powers, privileges, franchises, honors and immunities, and subject to all the military services and duties which by law are, or hereafter from time to time, shall be annexed or attached to or demandable from other companies of artillery in this state.

Brig Gen. to appoint a time

SEC. 2. *And it is hereby further enacted, That the brigadier general of said brigade be, and hereby is authorized to appoint a time and place for*

the meeting of said company for the election of officers, in order that they may be commissioned agreeably to the existing laws for commissioning other officers of the militia of this state.

and place for the election of officers.



An act granting to *Aaron Elliot*, of *Killingworth*, in the county of *Middlesex*, and state of *Connecticut*, his heirs and assigns, the exclusive right of manufacturing *Crawley* and *Blistered Steel* in this state, for the term of ten years.

Passed Oct. 19, 1801.

For the encouragement of the manufacture of Steel in this State, which will greatly promote the Agricultural interest—

Preamble.

SECTION 1.

It is hereby enacted by the General Assembly of the State of Vermont, That there be and hereby is granted unto the said *Aaron Elliot*, his heirs and assigns, the exclusive right of manufacturing *Crawley* and *Blistered Steel* within this state, for the term of ten years from the first day of October next.

Exclusive right of manufacturing Steel granted to Aaron Elliot.

SEC. 2. *Provided nevertheless, And it is hereby further enacted, That if the said Aaron, his heirs or assigns, shall not erect a furnace for the manufacture of Steel within this State, within one year from the passing of this act, and manufacture yearly and every year thereafter, during said term of ten years, thirty tons of as good steel as is manufactured in any Crawley or Blistered Steel Manufactory in the United States; and that each bar of Steel so manufactured as aforesaid, shall be stamped with the letters A. ELLIOT, to designate the manufactory; and also with the capital letter C. for Crawley, and the capital letter B. for Blistered Steel, he shall take no benefit of this act.*

Proviso.

Passed Oct. 26, 1801. An act granting relief to an infirm Indian, by the name of *Joseph*.

SECTION I.

Timothy Hinman
appointed guardian
to Indian
Joseph.

IT is hereby enacted by the General Assembly of the State of Vermont, That Timothy Hinman, Esquire, of *Derby*, in the county of *Orleans* be, and he is hereby appointed a guardian to an aged and infirm Indian, by the name of *Joseph*, residing in the said town of *Derby*.

To supply said
Indian with ne-
cessaries to the
amt. of 30 dls.

SEC. 2. And it is hereby further enacted, That the said guardian be, and he is hereby empowered to supply and deliver to the said infirm Indian, such necessaries and supplies, as he shall judge proper, and at such times as the necessities of the said *Joseph* shall require, not exceeding the sum of thirty dollars annually ; and exhibit annually, his account to the auditor of accounts against the state for examination and allowance.

Act repealed.

SEC. 3. And it is hereby further enacted, That an act entitled " An act granting relief to two native Indians," passed the seventh day of November, one thousand seven hundred and ninety two be, and the same is hereby repealed.

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